

and abolishing the old Common School District No. 9, in said county and State, and carving out of a part of the same, retaining its old name, that is, the Cyclone Common School District No. 9, out of the eastern part of said old district, and by this special act creating the new; providing for the payment of outstanding bonds or other evidences of indebtedness, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room,  
Austin, Texas, March 13, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 541, "An Act creating the Sherwood Independent School District in Irion county, Texas, and defining the boundaries of all adjoining districts thereto,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room,  
Austin, Texas, March 13, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 332, "An Act amending Chapter 19, Local and Special Laws, passed by the Thirty-seventh Legislature, at its First Called Session, as amended by Chapter 88, Local and Special Laws, passed by the Thirty-eighth Legislature, at its Regular Session, creating the Canton Independent School District in Van Zandt county, Texas; defining its boundaries; providing for the extension thereof, including the present Canton Independent School District; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; providing that the outstanding bonded indebtedness of each school district included within the bounds of said district shall remain chargeable against the territory which voted the same; pro-

viding that the district as herein created may assume such outstanding bonded indebtedness; providing for the repeal of all laws in conflict herewith, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room,  
Austin, Texas, March 13, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 542, "An Act creating and incorporating the Cross Roads County Line Independent School District, lying in the counties of Henderson and Anderson, in the State of Texas,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

#### FORTY-FOURTH DAY.

(Monday, March 16, 1925.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Satterwhite.

The roll was called and the following members were present:

Acker.	Daniels.
Albritton.	Davis of Dallas.
Alexander	Davis of Wood.
of Limestone.	DeBerry.
Atkinson.	Dinkle.
Avis.	Donnell.
Baker of Orange.	Downs.
Baker of Panola.	Dunn of Falls.
Barker.	Dunn of Hopkins.
Barron.	Durham.
Bateman.	Enderby.
Bean.	Farrar.
Bedford.	Faulk.
Bird.	Fields.
Blount.	Finlay.
Bobbitt.	Florence.
Boggs.	Foster.
Bonham.	Frnka.
Brown.	Graves.
Bryant.	Gray.
Cade.	Hagaman.
Chitwood.	Hall.
Coffey.	Harman.
Conway.	Harper.
Coody.	High.
Covey.	Hollowell.
Cox of Lamar.	Hoskins.
Cox of Navarro.	Hull.
Cummings.	Irwin.
Dale.	Jacks.

Jasper.	Raymer.
Johnson.	Renfro.
Jones.	Rice.
Justice.	Robinson.
Kayton.	Rogers.
Kemble.	Rowell.
Kenyon.	Runge.
King.	Sanford.
Kittrell.	Shearer.
Laird.	Sheats.
Lane of Hamilton.	Simmons.
Lane of Harrison.	Sinks.
Lipscomb.	Smith of Nueces.
Loftin.	Smith of Travis.
Low.	Smyth.
Mankin.	Sparks.
Masterson.	Stell.
Maxwell.	Stevens.
McDonald.	Stevenson.
McDougald.	Storey.
McFarlane.	Stout.
McGill.	Strong.
McKean.	Taylor.
McNatt.	Teer.
Merritt.	Thompson.
Montgomery.	Tomme.
Moore.	Veatch.
Nicholson.	Wade.
Parish.	Walker.
Pavlica.	Wallace.
Pearce.	Webb.
Perdue.	Wells.
Petsch.	Westbrook.
Poage.	Wester.
Pool.	Williamson.
Pope.	Wilson.
Powell.	Woodruff.
Purl.	Young.
Rawlins.	

Absent.

Alexander	Dunlap.
of Bastrop.	Jordan.
Amsler.	Morris.
Bartlett.	Rowland.
Carter.	Simpson.
Dielmann.	

Absent—Excused.

Kinnear.	Stautzenberger.
McBride.	

A quorum was announced present.  
Prayer was offered by Rev. L. R. Mil-  
lican of El Paso.

## LEAVE OF ABSENCE GRANTED.

The following member was granted  
leave of absence on account of sickness:  
Mr. Kinnear for today, on motion of  
Mr. Rice.

## REQUEST OF SENATE GRANTED.

Mr. Wester called up from the Speak-  
er's table, for consideration at this time,

the request of the Senate for a free con-  
ference committee on Senate bill No.  
438.

The Speaker laid the request of the  
Senate before the House.

Question—Shall the request be  
granted?

Mr. Wester moved that the request  
be granted.

The motion prevailed.

## CORRECTING HOUSE BILL NO. 628.

Mr. Rogers offered the following res-  
olution:

H. C. R. No. 52, Correcting House  
bill No. 628.

Resolved by the House of Representa-  
tives, the Senate concurring, That the  
Enrolling Clerk of the House be and  
is hereby instructed to correct House  
bill No. 628 in the following manner:  
By adding an additional week to the  
November term of court in Shelby  
county.

Signed—Rogers, Sanford, Baker of  
Panola.

The resolution was read second time  
and was adopted.

HOUSE BILL NO. 73 ON SECOND  
READING.

(By Unanimous Consent.)

The Speaker laid before the House, on  
its second reading and passage to en-  
grossment,

H. B. No. 73, A bill to be entitled  
"An Act placing a closed season of two  
years on Mexican blue quail, partridge,  
quail, bob white and wild pheasant in  
certain counties; providing a penalty  
for the violation of same; repealing all  
laws in conflict herewith, and declaring  
an emergency."

The bill was read second time.

Mr. Jones offered the following amend-  
ment to the bill:

Amend House bill No. 73, in line 19,  
Section 1, by striking out the word  
"and" just after the word "Garza" and  
by adding just after the word "Stone-  
wall" "Atascosa, Live Oak, Frio, La-  
Salle, McMullen, Hall, Motley, Coleman,  
Brown, Brazos, Medina, Uvalde, Collin,  
Grayson, Young, Jack, Woods, Cooke,  
Austin, Colorado, Henderson, Fannin,  
Johnson."

The amendment was adopted.

House bill No. 73 was then passed  
to engrossment.

HOUSE BILL NO. 73 ON THIRD  
READING.

Mr. Bryant moved that the consti-  
tutional rule requiring bills to be read

on three several days be suspended and that House bill No. 73 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104.

Mr. Speaker.	Kenyon.
Acker.	Kittrell.
Albritton.	Lane of Hamilton.
Alexander	Lane of Harrison.
of Limestone.	Lipscomb.
Baker of Orange.	Mankin.
Baker of Panola.	Masterson.
Barker.	McDonald.
Barron.	McDougald.
Bean.	McFarlane.
Bedford.	McGill.
Blount.	Merritt.
Bobbitt.	Moore.
Boggs.	Nicholson.
Brown.	Parish.
Bryant.	Pavlica.
Chitwood.	Pearce.
Coffey.	Perdue.
Conway.	Petsch.
Coody.	Pool.
Covey.	Pope.
Cox of Lamar.	Rawlins.
Cummings.	Renfro.
Daniels.	Rogers.
Davis of Dallas.	Rowell.
Davis of Wood.	Runge.
Dinkle.	Sanford.
Donnell. •	Shearer.
Downs.	Sheats.
Dunn of Falls.	Simmons.
Durham.	Sinks.
Enderby.	Smith of Nueces.
Farrar.	Smith of Travis.
Faulk.	Stell.
Fields.	Stout.
Finlay.	Strong.
Florence.	Taylor.
Frnka.	Teer.
Graves.	Thompson.
Gray.	Tomme.
Hagaman.	Veatch.
Hall.	Wade.
Harper.	Walker.
Hollowell.	Wallace.
Hoskins.	Webb.
Hull.	Westbrook.
Jacks.	Wester.
Jasper.	Williamson.
Johnson.	Wilson.
Jones.	Young.
Justice.	

Present—Not Voting.

High. Powell.

Absent.

Alexander	Avis.
of Bastrop.	Bartlett.
Amsler.	Bateman.
Atkinson.	Bird.

Bonham.	Maxwell.
Cade.	McKean.
Carter.	McNatt.
Cox of Navarro.	Montgomery.
Dale.	Morris.
DeBerry.	Poage.
Dielmann.	Purl.
Dunlap.	Raymer.
Dunn of Hopkins.	Rice.
Foster.	Robinson.
Harman.	Rowland.
Irwin.	Simpson.
Jordan.	Smyth.
Kayton.	Sparks.
Kemble.	Stevens.
King.	Stevenson.
Laird.	Storey.
Loftin.	Wells.
Low.	Woodruff.

Absent—Excused.

Kinnear.	Stautzenberger.
McBride.	

The Speaker then laid House bill No. 73 before the House on its third reading and final passage.

The bill was read third time and was passed.

Mr. Pearce moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

#### RELATING TO RAILROAD PASSES.

Mr. Hall offered the following resolution:

H. C. R. No. 51, Relating to free passes.

Whereas, At this session of the Texas Legislature there was a bill passed by both the House of Representatives and the Senate of Texas, known as the "Free Pass Bill," the contents of which was to give each Representative and Senator and their families a free pass over the numerous railroads in Texas, if the said railroads so desired; but in the regular course of the bill the same was vetoed by the present Governor of Texas; and

Whereas, It has been the policy of this State since the days of Hogg, Culberson, Sayers, Lanham, Campbell, Colquitt, Ferguson, Hobby and Mrs. Miriam A. Ferguson to abolish the use of free passes in Texas over the various railroads by public officeholders, who should be the servants of the people of Texas, and believing in the doctrine that no servant can serve two masters, the free pass bill was vetoed for the reason that possibly by accepting a free pass the representatives of the people might in some way become obligated to the railroads; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That while the use of free passes is probably confined to a few isolated cases, nevertheless, in keeping with the views expressed in the foregoing, the Texas Legislature go on record as recommending that the use of free passes be entirely discontinued by any and all of the public servants of the people of Texas.

The resolution was read second time.

Mr. Rawlins offered the following amendment to the resolution:

Amend resolution by adding the following: "This shall also apply to Jas. E. Ferguson, Governor-in-fact of the State of Texas."

Mr. DeBerry raised a point of order on consideration of the amendment, on the ground that the amendment is not germane to the purpose of the resolution.

The Speaker overruled the point of order.

Mr. Smith of Travis raised a point of order on consideration of the resolution at this time, on the ground that the time for consideration of resolutions has expired.

The Speaker sustained the point of order.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Williamson, Senate bill No. 439 was ordered not printed.

On motion of Mr. Blount, Senate bill No. 457 was ordered not printed.

#### SENATE BILL NO. 406 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 406, A bill to be entitled "An Act making certain emergency and supplemental appropriations out of the general revenue of the State for the several institutions and departments of the State government as named herein for the balance of the fiscal year ending August 31, 1925, and declaring an emergency."

The bill was read second time.

Mr. Wells moved that further consideration of the bill be postponed until 9 o'clock a. m. tomorrow and the motion was lost.

Mr. Blount offered the following (committee) amendments to the bill:

Amend Senate bill No. 406 by adding thereto the following items:

Live Stock Sanitary Commission.

Salaries of inspectors, purchase of arsenical dip, and extra

clerical help, including stenographers to carry out the provisions of H. B. No. 208, said money to be available to the Live Stock Sanitary Commission, and to be expended between April 1 and August 31, 1925.....\$150,000

#### Commission of Appeals.

Salaries of two stenographers for July, August, 1925, at \$125 each per month.....	\$ 500
Salary of one porter, two months.....	120
Record books, rental on law books, stationery, telephone, postage and contingent expenses.....	150
<b>Total .....</b>	<b>\$ 770</b>

#### North Texas State Hospital for Insane at Terrell.

Salaries of pathologist, March 1 to August 31, 1925.....	\$ 600
Salaries of roentgenologist, March 1 to August 31, 1925.....	600
Salaries of head nurse, March 1 to August 31, 1925.....	600
<b>Total .....</b>	<b>\$ 1,800</b>

#### West Texas State Teachers College at Canyon.

Summer School .....	\$ 2,500
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#### Sam Houston State Teachers College at Huntsville.

Paving State share of street, between college campus and cafeteria .....	\$ 4,100
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#### State Orphan Home—Corsicana.

Support and Maintenance.....	\$ 18,000
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#### College of Industrial Arts.

Paving Texas Street and Bell Avenue, adjacent to college property, and to surface drive-ways on campus, conditioned that individual property owners and the city of Denton pay their proportionate part \$ 25,000	
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#### East Texas Hospital for the Insane at Rusk.

Dry goods and clothing.....	\$ 5,000
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#### University of Texas.

For emergency work in experiment station .....	\$ 1,500
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(Pending consideration of the amendments, Mr. Chitwood occupied the chair temporarily.)

The amendments were severally adopted.

(Speaker in the chair.)

Mr. Blount offered the following (committee) amendment to the bill:

#### State Penitentiaries.

There is also appropriated out of the general revenue of the State the sum of forty thousand dollars (\$40,000) to be applied in full settlement and satisfaction of three certain notes in the principal sum of \$13,250 each, dated December 11, 1920, payable to the Fort Bend Cotton Oil Company, or order, executed by the Board of Prison Commissioners in part payment for the properties known as the Fort Bend Cotton Oil Company's cotton seed oil mill and oil mill properties at Richmond, in Fort Bend county, Texas, same to be paid to the Houston National Exchange Bank of Houston, Texas, upon warrants drawn upon the Treasury by the Comptroller of Public Accounts, but only upon surrender to the Comptroller of Public Accounts with payment receipted for in full, of said notes and upon dismissal at plaintiff's costs in all the courts in this State pertaining to said notes or in any wise pertaining to the transaction of the Fort Bend Cotton Oil Mill and particularly the case of the Houston National Exchange Bank vs. J. A. Herring, et al., originally brought in the Eightieth Judicial District, Harris county, Texas, and upon release or relinquishment executed by the Board of Prison Commissioners to said Houston National Exchange Bank of all rights, title and interest of the State and Board of Prison Commissioners in and to said oil mill properties and upon written release and relinquishment, prepared and approved by the Attorney General, executed by said Houston National Exchange Bank, and delivered to the Comptroller of Public Accounts, of any and all claims or demands of whatsoever kind or character by said Houston National Exchange Bank with respect to said notes and properties.

Mr. Wells offered the following amendment to the amendment:

Amend Senate bill No. 406, page 1771 of House Journal, by striking out all of the paragraph under heading of "State Penitentiaries" on pages 1771 and 1772.

(Pending consideration of the amendment, Mr. Jacks and Mr. Chitwood occupied the chair temporarily.)

(Speaker in the chair.)

Mr. Barker moved the previous question on the pending amendments, and the main question was ordered.

Question first recurring on the amendment by Mr. Wells to the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—55.

Albritton.	Kayton.
Atkinson.	Kemble.
Baker of Orange.	Laird.
Barker.	Lane of Hamilton.
Brown.	Maxwell.
Bryant.	McDougald.
Coody.	McFarlane.
Covey.	McGill.
Cox of Lamar.	McNatt.
Cummings.	Pavlica.
Davis of Wood.	Pearce.
DeBerry.	Petsch.
Downs.	Pool.
Durham.	Pope.
Enderby.	Powell.
Farrar.	Rawlins.
Fields.	Raymer.
Finlay.	Renfro.
Graves.	Sheats.
Harper.	Stell.
High.	Stout.
Hollowell.	Taylor.
Hull.	Tomme.
Irwin.	Walker.
Jacks.	Webb.
Jasper.	Wells.
Jordan.	Westbrook.
Justice.	Williamson.

Nays—58.

Acker.	Kenyon.
Alexander	King.
of Limestone.	Kittrell.
Barron.	Lane of Harrison.
Bean.	Masterson.
Bedford.	McDonald.
Bird.	McKean.
Boggs.	Montgomery.
Bonham.	Moore.
Chitwood.	Parish.
Coffey.	Perdue.
Conway.	Poage.
Cox of Navarro.	Rice.
Daniels.	Robinson.
Dinkle.	Rogers.
Dunn of Falls.	Rowell.
Faulk.	Runge.
Florence.	Shearer.
Foster.	Simmons.
Gray.	Sinks.
Hagaman.	Smith of Travis.
Hall.	Smyth.
Harman.	Sparks.
Hoskins.	Stevens.
Johnson.	Stevenson.
Jones.	Storey.

Teer.  
Veatch.  
Wade.  
Wallace.

Wester.  
Wilson.  
Young.

Present—Not Voting.

Baker of Panola. Lipscomb.

Absent.

Alexander of Bastrop.	Frnka.
Amsler.	Loftin.
Avis.	Low.
Bartlett.	Mankin.
Bateman.	Merritt.
Blount.	Morris.
Bobbitt.	Nicholson.
Cade.	Purl.
Carter.	Rowland.
Dale.	Sanford.
Davis of Dallas.	Simpson.
Dielmann.	Smith of Nueces.
Donnell.	Strong.
Dunlap.	Thompson.
Dunn of Hopkins.	Woodruff.

Absent—Excused.

Kinnear. Stautzenberger.  
McBride.

Question next recurring on the (committee) amendment by Mr. Blount, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—56.

Acker.	Kittrell.
Alexander of Limestone.	Lane of Harrison.
Avis.	Lipscomb.
Barron.	Masterson.
Bean.	McDonald.
Bedford.	McKean.
Bird.	Montgomery.
Boggs.	Parish.
Chitwood.	Perdue.
Coffey.	Poage.
Conway.	Rice.
Cox of Navarro.	Rogers.
Daniels.	Rowell.
Dinkle.	Runge.
Donnell.	Sanford.
Dunn of Falls.	Shearer.
Faulk.	Sinks.
Florence.	Smith of Travis.
Foster.	Smyth.
Gray.	Storey.
Hagaman.	Teer.
Hall.	Veatch.
Harman.	Wade.
Hoskins.	Wallace.
Johnson.	Wester.
Jones.	Williamson.
Kenyon.	Wilson.
King.	Young.

Nays—62.

Albritton.	Lane of Hamilton.
Atkinson.	Maxwell.
Baker of Orange.	McDougald.
Barker.	McFarlane.
Brown.	McGill.
Bryant.	McNatt.
Cade.	Moore.
Coody.	Pavlica.
Covey.	Pearce.
Cox of Lamar.	Petsch.
Cummings.	Pool.
Davis of Wood.	Pope.
DeBerry.	Powell.
Downs.	Purl.
Durham.	Rawlins.
Enderby.	Raymer.
Farrar.	Renfro.
Fields.	Robinson.
Finlay.	Sheats.
Graves.	Simmons.
Harper.	Stell.
High.	Stevens.
Hollowell.	Stevenson.
Hull.	Stout.
Irwin.	Taylor.
Jacks.	Tomme.
Jasper.	Walker.
Jordan.	Webb.
Justice.	Wells.
Kayton.	Westbrook.
Kemble.	Woodruff.
Laird.	

Present—Not Voting.

Baker of Panola.

Absent.

Alexander of Bastrop.	Frnka.
Amsler.	Loftin.
Bartlett.	Low.
Bateman.	Mankin.
Blount.	Merritt.
Bobbitt.	Morris.
Bonham.	Nicholson.
Carter.	Rowland.
Dale.	Simpson.
Davis of Dallas.	Smith of Nueces.
Dielmann.	Sparks.
Dunlap.	Strong.
Dunn of Hopkins.	Thompson.

Absent—Excused.

Kinnear. Stautzenberger.  
McBride.

Mr. Irwin moved to reconsider the vote by which the amendment was lost, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Blount offered the following (committee) amendment to the bill:

Amend Senate bill No. 406, page 1 of the original bill by striking out the

words "Engineering Equipment" and the figures "\$25,000" under the item of Texas Technological College.

Question—Shall the amendment be adopted?

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 16, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 461, A bill to be entitled "An Act relating to and making an appropriation for a special warrant clerk in State Comptroller's Department."

S. B. No. 460, A bill to be entitled "An Act fixing the salary of State Health Officer and making appropriation for same."

S. B. No. 456, A bill to be entitled "An Act amending Chapter 76 of the General Laws of the Regular Session of the Thirty-eighth Legislature, so as to continue the duration and existence of the district court of Stephens county, Ninety-second Judicial District, until April 15, 1925, and providing that as to said district court of Stephens county said Chapter 76 shall continue in force and effect until said time, and declaring an emergency."

S. B. No. 422, A bill to be entitled "An Act to amend Article 476 of the Penal Code of the State of Texas, as amended by the Acts of the Fourth Called Session of the Thirty-fifth Legislature of the State of Texas, providing what persons are exempt from the provisions of the law prohibiting the unlawful carrying of weapons, and defining the term 'peace officer.'"

S. B. No. 364, A bill to be entitled "An Act providing that cities and towns under five thousand population shall have the power to appropriate property for public purposes, and declaring an emergency."

Respectfully,  
MORRIS C. HANKINS,  
Assistant Secretary of the Senate.

#### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

S. J. R. No. 9, Relating to the amending of Article 16, Section 58, of the Constitution of the State of Texas, abol-

ishing the Board of Prison Commissioners; providing for the supervision and management of the prison system under such laws as may be provided for by the Legislature.

S. B. No. 183, "An Act making appropriations for the support and maintenance of the State government for the two-year period beginning September 1, 1925, and ending August 31, 1927, and for other purposes, and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

S. B. No. 228, "An Act authorizing any city, town or village incorporated under the general laws of the State of Texas, and having a population of not more than 2500 inhabitants, according to the United States census of 1920, to disannex a portion of territory located within the limits of any such city, town or village, upon receipt of a petition requesting such disannexation signed by two-thirds or more of the qualified voters located within such territory, and declaring an emergency."

H. B. No. 253, "An Act amending Chapter 51, Acts of the Regular Session of the Thirty-eighth Legislature, regulating publications in newspapers inserted by public officers, agents and agencies; prescribing the rate of charge thereof; fixing the price to be charged for political advertising; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 595, "An Act to create the Shelbyville Independent School District of Shelby county, Texas."

H. C. R. No. 48, Relating to death of Hon. Wm. McLean.

H. B. No. 584, "An Act creating the Kennard Consolidated Common School District No. 33 in Houston county."

H. B. No. 104, "An Act creating Morton Independent School District in Cochran county, Texas; defining its boundaries; providing for a board of trustees; vesting title to all school property within said district in the trustees and their successors; charging the said district with all the indebtedness and the performance of all contracts of the school heretofore included within the district; providing that the board of trustees heretofore elected and now serving in Morton Common School District No. 4, as now existing, shall continue in effect for the district hereby created until the expiration of their terms and until their successors shall have been elected and qualified; authorizing the trustees to exercise all the rights and powers conferred by the general laws

upon trustees of independent districts created for school purposes under the general laws; validating and continuing in force the local maintenance taxes heretofore voted by the voters in the territory included within the district heretofore by a uniform tax upon the whole district, increase or diminish the same, or until they abolish such taxes in accordance with the general statutes; providing for the appointment of a board of equalization and tax assessor and collector for said district; providing that if any part of this act shall not be constitutional the remaining part of this act shall not be invalidated; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 355, "An Act authorizing the commissioners court of any county in this State to have old probate records or papers recorded by the county clerk when in the opinion of the commissioners court such recording is necessary; authorizing the commissioners court to compensate the county clerk for such work out of the general fund of the county, and declaring an emergency."

S. B. No. 440, "An Act to amend Chapter 75, of the Acts of the Third Called Session of the Thirty-sixth Legislature, creating the Emory Independent School District, by adding thereto Section 14, permitting adjoining territory to be incorporated in the Emory Independent School District, upon petition of qualified voters adjoining said school district, and declaring an emergency."

S. B. No. 51, "An Act creating a board of managers for the State's iron industries and properties in connection therewith at and near Rusk, Texas; providing for the appointment and prescribing the duties of its members; directing the Prison Commission to transfer possession of said properties to the board of managers herein created; authorizing said board of managers to sell any and all of said property and to collect outstanding obligations heretofore contracted; providing for reports by said board; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 208, "An Act to amend Article 4703, of Chapter 1, Title 70, and Article 5686, Chapter 2, Title 87, of the Revised Statutes of Texas of 1911, relating to survival of causes of action for personal injuries and injuries resulting in death, and providing for the survival of causes of action for injuries resulting in death where the tort-

feasor dies before suit is instituted, and declaring an emergency."

S. B. No. 453, "An Act to amend Section 14 of an Act of the Thirty-ninth Legislature, approved March 10, 1925, relating to the sale of oil and gas leases on University lands and extension of oil and gas permits heretofore and hereafter issued by providing the conditions upon which said permits may be extended, and declaring an emergency."

S. B. No. 445, "An Act creating and incorporating the Bullard Independent School District lying in the counties of Smith and Cherokee, in the State of Texas; defining the boundaries thereof; providing for a board of trustees thereof; placing said independent district under the control of the general laws governing independent districts; providing that no outstanding indebtedness of the Bullard Independent District be invalidated; providing for the annexation of territory, and declaring an emergency."

H. C. R. No. 52, Correcting House bill No. 628.

H. C. R. No. 49, Relating to House bill No. 246.

H. B. No. 246, "An Act to amend Article 2643 of the Revised Civil Statutes of the State of Texas of 1911 as amended by Chapter 37 of the Acts of the Regular Session of the Thirty-eighth Legislature, setting aside all interest and income from the University permanent fund and lands for the purpose of constructing permanent improvements on the campus of the University of Texas or at its branches, declaring void any contract for the expenditure of said funds for any other purpose by including in the funds that may be used for such construction of permanent improvements all income proceeds of all mineral leases on University lands now in the State Treasury or hereafter received from such leases; and also to amend Section 17 of Chapter 83 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fifth Legislature, as amended by Chapter 58 of the Third Called Session of the Thirty-sixth Legislature, so as to provide that all proceeds heretofore or hereafter paid and collected arising from activities affecting lands belonging to the University of Texas shall be credited to the available fund of such institution, and shall be held by the Board of Regents of such institution in a special building fund and be expended by it only for the erection of buildings or other permanent im-



provements upon the University campus, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 310, "An Act to amend Section 10 of Chapter 68 of the General Laws passed by the Thirty-eighth Legislature, at the Regular Session, page 131, so as to abolish the office of district attorney for the counties of Travis and Williamson; to create the office of district attorney of the Fifty-third Judicial District, and providing for the duties of the county attorney of Williamson county, and fix the compensation of such district and county attorneys."

H. B. No. 249, "An Act providing for the care and restraint of persons who are insane."

S. B. No. 449, "An Act to create a more efficient road system for Wood county."

#### SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 456, to the Committee on Judicial Districts.

Senate bill No. 364, to the Committee on Municipal and Private Corporations.

Senate bill No. 461, to the Committee on Appropriations.

Senate bill No. 460, to the Committee on Appropriations.

Senate bill No. 422, to the Committee on Criminal Jurisprudence.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Davis of Dallas:

H. B. No. 687, A bill to be entitled "An Act making an appropriation of the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, out of the general revenue of the State of Texas, to pay the contingent expense of the Regular Session of the Thirty-ninth Legislature of the State of Texas; providing how accounts may be approved, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Sanford:

H. B. No. 688, A bill to be entitled

"An Act to make an appropriation of the sum of fifteen thousand dollars, or so much thereof as may be necessary, payable out of the general revenue not otherwise appropriated, to pay the mileage and per diem of members and to pay the salaries and per diem of officers and employes of the Thirty-ninth Legislature of the State of Texas; providing for the approval of accounts, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Wade, Mr. Bobbitt and Mr. Baker of Orange:

H. B. No. 689, A bill to be entitled "An Act to make a supplementary appropriation out of the general revenue of the State of Texas, not otherwise appropriated, for the support and maintenance of the State Ranger force, to be added to the appropriation as made by Senate bill No. 183, passed by the Regular Session of the Thirty-ninth Legislature, for the years beginning September 1, 1925, and ending August 31, 1927."

Referred to Committee on Appropriations.

By Mr. McDougald:

H. B. No. 690, A bill to be entitled "An Act to amend Chapter 155 of the Acts of the Thirty-fourth Legislature as amended by Chapter 23 of the Acts of the Thirty-fifth Legislature and to amend subdivisions 9, 75 and 80, of Article 30, Title 5 of the Revised Civil Statutes of the State of Texas, and to amend Chapter 104 of the laws passed by the Thirty-eighth Legislature approved March 21, 1923, and to reorganize the Seventy-fifth Judicial District of Texas and remove therefrom the county of Montgomery, and to reorganize the Ninth Judicial District of Texas and remove therefrom the counties of Hardin and Liberty, and to add thereto the county of Waller, and to remove said county of Waller from the Eightieth Judicial District of the State of Texas, and fixing the time of holding court in said Seventy-fifth, Ninth and Eightieth Judicial Districts, and providing for the continuance in office of the present district judges and district attorneys within certain limits, and validating process, bonds, recognizances and decrees issued and rendered under existing arrangements; and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Judicial Districts.

# CONFERENCE COMMITTEE ON SENATE BILL NO. 438.

The Speaker announced the appointment of the following Conference Committee on the part of the House on Senate bill No. 438:

Messrs. Wester, Graves, Conway, Davis of Wood and Rice.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 16, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. C. R. No. 37, Providing for recalling Senate bill No. 409 from the Governor's office for further consideration.

S. C. R. No. 39, Relating to payment of taxes now due the State by the several farms operated by the penitentiary system.

Has adopted the Free Conference Committee report on House bill No. 249 by vote of 19 yeas and 6 nays.

Requests the House for the return of House bill No. 246 for the purpose of securing a record vote.

Respectfully,

MORRIS C. HANKINS,  
Assistant Secretary of the Senate.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 16, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 223, A bill to be entitled "An Act repealing Chapter 14 of the Laws of the State of Texas passed by the Thirty-sixth Legislature at its Third Called Session, and declaring an emergency."

H. B. No. 679, A bill to be entitled "An Act amending Chapter 76, of the General Laws of the Regular Session of the Thirty-eighth Legislature, so as to continue the duration and existence of the district court of Stephens county, Ninety-second Judicial District, until April 15, 1925, and providing that as to said district court of Stephens county said Chapter 76 shall continue in force and effect until said time, and declaring an emergency."

S. J. R. No. 10, Proposing an amend-

ment to the Constitution, providing for taxation of school lands owned by counties.

S. B. No. 325, A bill to be entitled "An Act to authorize the establishment of co-operative credit associations for the purpose of promoting thrift among their members, of providing the members with loans for productive or remedial purposes at reasonable rates of interest, of fostering the co-operative spirit, and for other purposes."

S. B. No. 359, A bill to be entitled "An Act amending Chapter 6, Section 1, pages 7 and 8, of the laws passed at the Regular Session of the Thirty-seventh Legislature, by extending for a period of five years from the date of the permit, on certain specified conditions, all permits to prospect for oil and gas heretofore issued on University lands and public school land, which were unsold on February 1, 1921, and fresh water lakes and islands therein which had not expired on February 1, 1921, and extending for a period of ten years from the date of the permit on the same conditions, all permits to prospect for oil and gas heretofore issued on river beds or channels, which have not expired when this act goes into effect, and extending for like periods and on like conditions, all permits to prospect for oil and gas heretofore issued on said land and said areas and all permits to prospect for oil and gas heretofore issued after the Mineral Act of 1917 went into effect, on islands, salt water lakes, bays, inlets, marshes, and reefs owned by the State of Texas within tidewater limits, and that portion of the Gulf of Mexico within the jurisdiction of Texas, which permits had expired on February 1, 1921, but on which the drilling of a well or wells had been begun in good faith or with reference to which permits and the right of the owner of the same to the possession of the area included therein bona fide litigation had existed during the whole or a part of the term of the permit, providing that said permits are extended on the conditions stated in said act as here amended, so that said Section 1 of said act shall hereafter read as follows, and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,  
Assistant Secretary of the Senate.

## INVITATION TO VISIT CONFEDERATE HOME.

The Speaker laid before the House,

and had read the following invitation:

To Members of the Thirty-ninth Legislature:

You are most cordially invited to visit the State Confederate Home between 12:30 and 2 o'clock Tuesday afternoon, March 17, that you may get better acquainted with the old veterans who fought so heroically in the Southern army.

Many of these veterans will have passed away before the next Regular Session of the Legislature, two years hence, and we therefore urge that every member of the Thirty-ninth Legislature, both in the Senate and in the House, make a strong effort to be present by 1 o'clock Tuesday, March 17.

This invitation is also extended to the press and to all State officials, including our Board of Control, members of the Legislature, press, State officials and the members of the Chamber of Commerce having cars, are requested to volunteer their use and to have them on the north side of the Capitol at 12:10 o'clock sharp.

We hope that every member will be at the Home not later than 1 o'clock.

Respectfully,

BOGGS, Chairman;  
COVEY, Vice-Chairman;  
SHEATS, Secretary;  
DONNELL,  
COX of Lamar,  
DUNN,  
BROWN,

Confederate Home Committee.

HOUSE BILL NO. 246 ON FINAL  
PASSAGE.

Mr. Bonham moved to reconsider the vote by which House bill No. 246 was finally passed.

The motion to reconsider prevailed. House bill No. 246 was then finally passed by the following vote:

Yeas—111.

Mr. Speaker.	Bonham.
Acker.	Brown.
Albritton.	Bryant.
Alexander	Chitwood.
of Limestone.	Coffey.
Avis.	Conway.
Baker of Panola.	Coody.
Barker.	Covey.
Barron.	Cox of Lamar.
Bean.	Cox of Navarro.
Bedford.	Cummings.
Bird.	Daniels.
Blount.	Davis of Wood.
Bobbitt.	DeBerry.
Boggs.	Donnell.

Downs.	Moore.
Dunn of Hopkins.	Parish.
Durham.	Pavlica.
Enderby.	Pearce.
Farrar.	Perdue.
Faulk.	Petsch.
Fields.	Poage.
Finlay.	Pool.
Florence.	Pope.
Foster.	Rawlins.
Gray.	Raymer.
Hagaman.	Rice.
Hall.	Rogers.
Harman.	Rowell.
Harper.	Runge.
High.	Sanford.
Hollowell.	Shearer.
Hoskins.	Sheats.
Irwin.	Simmons.
Jasper.	Sinks.
Johnson.	Smith of Travis.
Jones.	Smyth.
Jordan.	Stell.
Justice.	Stevens.
Kayton.	Stevenson.
Kemble.	Storey.
Kenyon.	Stout.
Kittrell.	Strong.
Laird.	Taylor.
Lane of Harrison.	Teer.
Lipscomb.	Thompson.
Loftin.	Tomme.
Low.	Veatch.
Mankin.	Wade.
Masterson.	Wallace.
Maxwell.	Webb.
McDonald.	Wells.
McDougald.	Westbrook.
McFarlane.	Wester.
McGill.	Wilson.
McKean.	Woodruff.
McNatt.	Young.
Montgomery.	

Nays—1.

Graves.

Absent.

Alexander	Jacks.
of Bastrop.	King.
Amsler.	Lane of Hamilton.
Atkinson.	Merritt.
Baker of Orange.	Morris.
Bartlett.	Nicholson.
Bateman.	Powell.
Cade.	Purl.
Carter.	Renfro.
Dale.	Robinson.
Davis of Dallas.	Rowland.
Dielmann.	Simpson.
Dinkle.	Smith of Nueces.
Dunlap.	Sparks.
Dunn of Falls.	Walker.
Frnka.	Williamson.
Hull.	

Absent—Excused.

Kinnear. Stautzenberger.  
McBride.

#### REQUEST OF SENATE GRANTED.

Mr. Wade called up from the Speaker's table, for consideration at this time, the request of the Senate for a free conference committee on Senate bill No. 174.

The Speaker laid the request of the Senate before the House.

Question — Shall the request be granted?

Mr. Wade moved that the request be granted.

The motion prevailed.

#### REQUEST OF SENATE GRANTED.

Mr. Wade called up from the Speaker's table, for consideration at this time, the request of the Senate for a free conference committee on Senate bill No. 25.

The Speaker laid the request of the Senate before the House.

Question — Shall the request be granted?

Mr. Wade moved that the request be granted.

The motion prevailed.

#### RECESS.

On motion of Mr. Hall, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

#### MESSAGE FROM THE SENATE.

Senate Chamber.

Austin, Texas, March 16, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 573, A bill to be entitled "An Act creating Nell Independent School District in Live Oak county."

S. B. No. 446, A bill to be entitled "An Act making appropriation of \$10,000 to pay salaries and per diem of members, officers and employes of the Thirty-ninth Legislature."

S. B. No. 467, A bill to be entitled "An Act making appropriation for two years to acquire additional lands for the University of Texas."

H. C. R. No. 52, Requesting the Enrolling Clerk of House to make corrections in House bill No. 628.

The Senate rescinded (by viva voce vote) the vote by which House bill No. 246 was passed and passed same finally by vote of 27 yeas, 1 nay.

H. B. No. 633, A bill to be entitled "An Act to amend Section 2 of Chapter 4 of the Local and Special Laws enacted by the Thirty-fourth Legislature at its Regular Session in 1915, in so far as it applies to Atascosa county, by adding thereto Sections 2a and 2b, to permit the issuance of bonds by Atascosa county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes; providing for the distribution of the road and bridge fund of said county, and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

#### REPORT OF COMMITTEE TO INVESTIGATE COMPTROLLER'S AND TREASURER'S ACCOUNTS.

The Speaker laid before the House, for consideration at this time, the following report:

Austin, Texas, March 16, 1925.

Hon. Lee Satterwhite, Speaker of the House, Thirty-ninth Legislature.

Dear Sir: Your Committee on Examination of Comptroller's and Treasurer's Accounts having completed their work, beg leave to submit to the House for their consideration the following, which they wish printed in the House Journal:

(a) A certain report titled Subcommittee's Report to Committee on Examination of Comptroller's and Treasurer's Accounts.

(b) Simple resolution designed to carry out recommendations as incorporated in the report.

Respectfully yours,

FIELDS, Chairman.

#### Simple Resolution.

Whereas, In pursuance of custom and as provided by rules of the House a committee on "Examination of Comptroller's and Treasurer's Accounts," was appointed by the Speaker of the House of the Thirty-ninth Legislature; and

Whereas, Having completed their assignment, said committee, in submitting their report to the House, recommends that the House authorize the Speaker to appoint a committee of three of its members, empowering that committee to employ a competent certified public ac-

countant, and provide for the use of the committee a sufficient appropriation to carry on the following work:

A—Make such exhaustive investigation into the whole work of each department, commission, bureau, institution and penitentiary of the State, as necessary to inform themselves thoroughly and in detail about all parts of the work of said subdivision of State.

B—Determine from the information as developed what added organization and facilities will be required by the Board of Control to carry on the auditing and investigation work outlined in said report made by said standing committee on "Examination of Comptroller's and Treasurer's Accounts."

C—Prepare for submission to the Regular Session of the Fortieth Legislature, or to any Called Session of the Thirty-ninth Legislature, such bills and resolutions as are necessary to provide for authorization working forces and facilities for the Board of Control as needed to carry out the work outlined in said report made by said standing committee on "Examination of Comptroller's and Treasurer's Accounts," and to make any and all other provisions within the power of the Legislature for carrying out the general program outlined in the above referred to report.

Now, therefore, be it

Resolved, That the Speaker of the House be authorized to appoint said committee of three members for the purposes outlined, and be it further

Resolved, That an amount of \$2000 be appropriated from the contingent expense fund of the House, so much thereof to be used as required, to pay for the services of said certified public accountant, and to allow to each House member of the committee their actual traveling expenses and a per diem of \$5 each for each day engaged in the work for which appointed.

FIELDS,  
NICHOLSON,  
DONNELL.

#### Sub-Committee Report to Committee on Examination of Comptroller's and Treasurer's Accounts.

Hon. Wm. A. Fields, Chairman Committee on Examination of Comptroller's and Treasurer's Accounts.

Dear Sir: You will recall when appointing a sub-committee at our most recent meeting of the Committee on Examination of Comptroller's and Treasurer's Accounts that it was generally understood and agreed that the sub-committee had such short time in which

to perform the duties assigned that they would not be expected to make more than a superficial examination of the accounts and work handled in the Comptroller's and Treasurer's offices. On account of the fact that since the appointment there has been considerable rather important legislation before the House, your sub-committee has had even less time than was anticipated at the time of their appointment. In pursuance of the assignment conferred by the main committee, your sub-committee has availed themselves of all the time that they were permitted in examining the accounts of the two offices; the examination of the Comptroller's office was made on March 11th, and that of the Treasurer's office on March 13th.

Having gone as far into the conduct of this work as we will be able during this session to go, your sub-committee now begs to submit the following report, which, for convenience and clarity, has been subdivided and analyzed under appropriate headings:

#### Statement of Facts Relating to Practicability of Appointment of a Standing Examining Committee to Act in Behalf of the Legislature.

(a) Your committee does not question the practicability of appointing a standing committee at each biennial session of the Legislature to perform an examination of the Comptroller's and Treasurer's accounts, but contend that so long as present circumstances maintain, the activities of such a committee can not be of material advantage to the Legislature, but reaches the conclusion that under different circumstances which will hereafter be submitted it would be possible for such a committee to perform a work of value to the Legislature and the State.

(b) The records show that for the past several sessions of the Legislature the appointment of the standing committee in question has appeared to be purely a matter of formality, the committee having not made, from what we have learned, any report of their efforts to the Legislature.

(c) The records furthermore show that during the Thirty-fifth Session of the Legislature, the Third Called Session, a special committee was appointed to perform an audit and make a thorough examination into the accounts, office organization and practices of all departments, bureaus, commissions and institutions of the State. This committee prepared a very detailed, thorough and complete report for the benefit of

the subsequent session of the Legislature, who, upon receipt of the same, from all indications, made no analysis of it, nor took no material action in connection therewith, nor has any succeeding session of the Legislature seen fit to take up the report and attempt to carry out its recommendations.

(d) Assuming that the regularly appointed Committee on Examination of the Comptroller's and Treasurer's Accounts should, in each instance, prepare and submit a complete and thorough report upon their assignment, which is an assumption that under the circumstances would be almost impossible to comply with, it is to be expected that the Legislature would not become more interested in such a report than was the case of the special committee report above referred to, and then we have observed to be the case in many instances, when similar reports have been submitted by other committees and placed before the Legislature for their action.

(e) Your committee has observed that when special committees have heretofore been appointed for stated purposes their report to the Legislature usually consists of a mass of details, inclusive of such data as exhibits showing receipts and disbursements, inventories, and of a voluminous statement of facts, all of which in combination has been developed into a formidable record, and your sub-committee has furthermore observed that nothing material becomes of this record; that is, that the Legislature does not analyze it, nor place it in form in which it can be acted upon. We are but to assume that the appointment of a standing committee on the Examination of Comptroller's and Treasurer's Accounts contemplates the submission of some such record. In this connection it is the belief of your committee that the Legislature would be best served if, in lieu of a report of the kind described, which in fact are the premises upon which conclusions are to be arrived at, the conclusions alone were submitted in the form of bills, resolutions, etc., the committee retaining the substance suitable for the usual detailed report, as grounds of argument in having favorable action upon their recommendations, but under present circumstances the committee would scarcely have time, after collecting the needed data, to reduce such data to definite conclusions in the form of resolutions and bills and present such bills and resolutions to the Legislature with any hope of having them acted upon prior to the close of the session.

#### Facts Observed During the Superficial Examination of Comptroller's and Treasurer's Office.

(a) As previously stated, the time allowed in which to make the examination was so limited that your committee could not have been expected to have observed either irregularities or merits other than those that were most particularly outstanding, and while the committee observed various circumstances of fact, we will not here name these for the reason that the examination was in no sense thorough enough to have discovered any thing like all the matters that should be brought to the attention of the Legislature, in an exhaustive report. Being unable to report upon the whole work performed by these two departments we do not believe it feasible to report upon those outstanding parts of it, excepting for the following items, which for the purpose of recommendations that will follow, we are including.

(b) Considering a proper and approved method of accountancy, your committee is not satisfied with the system followed nor thoroughness observed in certain accounting records inspected.

(c) We are not altogether satisfied that statutory requirement in respect of methods of accountancy or practices to be followed are being fully observed, and have reason for believing that there are departures from methods prescribed by statutes.

(d) We believe that it would be of value, both in benefit of the State and the two departments, if a thorough examination were made by some disinterested committee into the relationship of workmen to work to be performed and into the efficiency of workmen, likewise the efficient use of materials and the coordination of work as between departments, not only in respect to these two departments, but all other departments, bureaus, commissions, boards and institutions of State.

(e) Your committee feels that the accounting program does not adequately protect in security, cash transactions. A proper system would in the case of every transaction provide a double or multiplicity of checks upon each. The Comptroller's office being of the nature of a clearing house in respect to cash transactions in which the State is concerned, should, it appears to the committee, be provided with duplicate record of each and every receipt and disbursement cash transaction in which, by the nature and intent of the system, that

department is interested, your committee understanding that this department is interested in every cash transaction of each and every State department, board, bureau, commission, institution, etc., of the State, specifically including the penitentiary system.

(f) We are advised that the accounts, clerical system and office organization of these two departments are neither never investigated nor audited, excepting as from time to time the Legislature is moved to appoint special committees for this purpose, and their work usually is of a very perfunctory and superficial nature, and when thoroughly performed, as was done in the case of the committee acting for the Thirty-fifth Legislature, results in no material action on the part of either the appointive or subsequent Legislature.

#### Conclusions Based Upon Facts Heretofore Outlined.

(a) Your committee feels that the accounting work of these two departments should be regularly audited, and that investigations should be regularly made of the work and organizations of these two departments, and as the work of the two departments is involved with the work of all the other departments, commissions, bureaus, boards, institutions, etc., of State, including the penitentiary system, that these regular audits and investigations should be extended to include all said departments, boards, bureaus, institutions, penitentiary system, etc. This being necessary to permit of the safe, proper and efficient functioning of the two departments that our standing committee is concerned with.

(b) It is our recommendations that the chief auditing division of the Board of Control be so completed through conferred authority, grant of appropriation, and the employment of sufficient accountants, bookkeepers, stenographers, etc., and the purchase of sufficient equipment to permit that department to regularly and thoroughly once each year audit the records and examine into the efficiency and sufficiency of the whole work and organization of each department, board, bureau, commission, institution, and penitentiary system of the State, systematizing the accounting work in each department, and co-ordinating this work as between all, in such a manner as will place the whole upon a high degree of efficiency where modern approved practices of accounting are fully protected, and the double en-

try system of bookkeeping is carried out. Also where there is a double or multiplicity of checks on each and every cash transaction and the State is fully protected against irregularities in its purchase, sale and inventory of properties.

(c) It is the further conclusion and recommendation of your sub-committee that the recommended audit and investigation of the Comptroller's and Treasurer's office should, for the benefit of the standing committee regularly appointed by each biennial session of the Legislature, be made at a time immediately preceding the date when these biennial sessions convene and a record prepared for the use of said standing committee.

(d) It is further recommended that hereafter the standing committee appointed by the Legislature shall be authorized to employ an auditor to work with them in carrying out the duties of the standing committee, whom we recommend hereafter make use, as substance to be investigated, of the Board of Control auditor's report of the two departments, extending their investigations as far as appears to be reasonable to satisfy themselves that the Board of Control's auditor's work may be with security relied upon, and that his work for the past biennium, in respect of the Treasurer and Comptroller's office, has been thoroughly carried out.

(e) It is further recommended that the chief auditing division of the Board of Control prepare and furnish to each biennial session of the Legislature a report of such substance concerning the organization and accounts of the various departments, boards, bureaus, commissions, institutions and the penitentiary system of the State as will or should be of interest to the Legislature, specifically including in the report comments relating to the attitude of these various subdivisions of the State in the matter of co-operation with the auditor in carrying out his work, and recommendations in the matter of consolidation of departments, boards, bureaus, etc.

(f) It is further recommended that by making use of the report outlined in the previous paragraph, and the report of the chief auditing division of the Board of Control covering the last audit and investigation of the work in the Comptroller's and Treasurer's Department that the standing committee appointed to examine the Comptroller's and Treasurer's Department accounts shall prepare and submit to the then session of the Legislature such bills and resolutions as are proper and designed to correct matters coming within

the jurisdiction of the Legislature to handle.

Recommendations Providing for the  
Carrying Out of Conclusions  
Heretofore Outlined.

It is recommended that this Legislature authorize the Speaker to appoint a committee of three of its members, empowering that committee to employ a competent certified public accountant, and provide for the use of the committee a sufficient appropriation to carry on the following work:

(a) Make such exhaustive investigation into the whole work of each department, commission, bureau, institution and penitentiary of the State, as necessary to inform themselves thoroughly and in detail about all parts of this work.

(b) To determine from the information as developed what added organization and facilities will be required by the Board of Control to carry on the auditing and investigating work heretofore outlined.

(c) To prepare for submission at the Regular Session of the next Legislature, or to a Called Session of the present Legislature, such bills and resolutions as are necessary to provide for working force and facilities for the Board of Control as needed to carry out the work previously outlined, and to make any and all other provisions within the power of the Legislature to carry out the general program heretofore outlined.

Respectfully submitted,  
NICHOLSON,  
DONNELL,  
KINNEAR.

RECALLING SENATE BILL NO. 409  
FROM THE GOVERNOR.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 37, Recalling Senate bill No. 409 from the Governor.

Whereas, Senate bill No. 409, creating a local independent school district in Scurry county, has been passed; and

Whereas, The local Representative from that district desires that this bill be given further consideration; now therefore, be it

Resolved by the Senate, the House of Representatives concurring, That Senate bill No. 409 be recalled from the Governor for further consideration.

The resolution was read second time and was adopted.

CONFERENCE COMMITTEE ON SEN-  
ATE BILL NO. 35.

The Speaker announced the appointment of the following conference committee on the part of the House on Senate bill No. 35:

Messrs. Faulk, Woodruff, Wade, Smith of Nueces and Barron.

CONFERENCE COMMITTEE ON SEN-  
ATE BILL NO. 174.

The Speaker announced the appointment of the following conference committee on the part of the House on Senate bill No. 174:

Messrs. Wade, Petsch, Farrar, Williamson and Frnka.

SENATE BILL NO. 406 ON PASSAGE  
TO THIRD READING.

The House resumed consideration of pending business, same being Senate bill No. 406, the emergency appropriation bill, on its passage to third reading, with amendment by Mr. Blount pending.

Question recurring on the amendment, it was adopted.

Mr. Blount offered the following amendments to the bill:

Amend Senate bill No. 406 by adding the following:

"South Texas State Teachers College, Kingsville, Texas; summer school maintenance, \$25,000."

Amend the committee amendment to Senate bill No. 406 by adding under the subdivision for "College of Industrial Arts," the following:

"To purchase additional land for use of the College of Industrial Arts, now being held under option, \$20,000."

Signed—Coffey, Lipscomb.

The amendments were severally adopted.

Mr. McNatt offered the following amendment to the bill:

Amend Senate bill No. 406 by adding thereto: "\$125,000 for science building and equipment for North Texas Agricultural College."

Signed — McNatt, Kemble, Lipscomb, Jordan, Rowland, Irwin, Jacks, Rawlins and Purl.

Mr. McFarlane offered the following amendment to the amendment:

Amend the amendment to Senate bill No. 406 by adding after the word "College," the following: "Provided the amount appropriated here is matched by an equal amount by popular subscription for the purpose of erecting said science building and dormitory."



Mr. Hall moved to table the amendment to the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—66.

Acker.	Kenyon.
Baker of Panola.	Masterson.
Barron.	McDonald.
Bedford.	McGill.
Bird.	McKean.
Bobbitt.	McNatt.
Boggs.	Moore.
Cade.	Petsch.
Chitwood.	Rawlins.
Coody.	Rice.
Covey.	Robinson.
Daniels.	Rowell.
Davis of Dallas.	Shearer.
DeBerry.	Sheats.
Dinkle.	Simmons.
Donnell.	Sinks.
Dunn of Falls.	Smith of Nueces.
Durham.	Smyth.
Farrar.	Sparks.
Faulk.	Stevens.
Fields.	Stevenson.
Florence.	Stout.
Foster.	Strong.
Hall.	Taylor.
Harman.	Thompson.
Harper.	Tomme.
High.	Veatch.
Hollowell.	Webb.
Hull.	Wells.
Jordan.	Wester.
Justice.	Williamson.
Kayton.	Wilson.
Kemble.	Woodruff.

## Nays—35.

Albritton.	Hoskins.
Baker of Orange.	King.
Barker.	Kittrell.
Bateman.	Laird.
Bean.	Lane of Hamilton.
Brown.	Maxwell.
Bryant.	McFarlane.
Coffey.	Pavlica.
Conway.	Pearce.
Cox of Lamar.	Perdue.
Cox of Navarro.	Raymer.
Cummings.	Rogers.
Dale.	Sanford.
Davis of Wood.	Stell.
Downs.	Teer.
Enderby.	Walker.
Finlay.	Westbrook.
Gray.	

Present—Not Voting.

Graves.

Absent.

Alexander	Alexander
of Bastrop.	of Limestone.

Amsler.	Mankin.
Atkinson.	McDougald.
Avis.	Merritt.
Bartlett.	Montgomery.
Blount.	Morris.
Bonham.	Nicholson.
Carter.	Parish.
Dielmann.	Poage.
Dunlap.	Pool.
Dunn of Hopkins.	Pope.
Frnka.	Powell.
Hagaman.	Purl.
Irwin.	Renfro.
Jacks.	Rowland.
Jasper.	Runge.
Johnson.	Simpson.
Jones.	Smith of Travis.
Lane of Harrison.	Storey.
Lipscomb.	Wade.
Loftin.	Wallace.
Low.	Young.

Absent—Excused.

Kinnear.	Stautzenberger.
McBride.	

Question recurring on the amendment by Mr. McNatt, yeas and nays were demanded.

The amendment was lost by the following vote:

## Yeas—41.

Barron.	Lipscomb.
Bateman.	McDonald.
Bird.	McKean.
Boggs.	McNatt.
Cade.	Petsch.
Coffey.	Purl.
Cox of Lamar.	Rawlins.
Cox of Navarro.	Rowell.
Cummings.	Shearer.
Dinkle.	Sinks.
Durham.	Sparks.
Faulk.	Taylor.
Fields.	Teer.
Florence.	Tomme.
Foster.	Webb.
Hall.	Wells.
Hollowell.	Westbrook.
Jordan.	Wester.
Kayton.	Williamson.
Kemble.	Woodruff.
Kenyon.	

## Nays—62.

Acker.	Coody.
Albritton.	Covey.
Alexander	Dale.
of Limestone.	Daniels.
Baker of Orange.	Davis of Dallas.
Baker of Panola.	Davis of Wood.
Barker.	DeBerry.
Bean.	Donnell.
Bedford.	Downs.
Bryant.	Dunn of Falls.
Conway.	Enderby.

Farrar.	Poage.
Finlay.	Pool.
Graves.	Raymer.
Gray.	Renfro.
Harman.	Rice.
Harper.	Robinson.
High.	Rogers.
Hoskins.	Runge.
Hull.	Sanford.
Justice.	Sheats.
Kittrell.	Simmons.
Laird.	Smith of Nueces.
Lane of Hamilton.	Smyth.
Mankin.	Stell.
Masterson.	Stevens.
McFarlane.	Stevenson.
McGill.	Strong.
Moore.	Thompson.
Pavlica.	Veatch.
Pearce.	Walker.
Perdue.	

Present—Not Voting.

Stout.	Wilson.
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Absent.

Alexander	Jones.
of Bastrop.	King.
Amsler.	Lane of Harrison.
Atkinson.	Loftin.
Avis.	Low.
Bartlett.	Maxwell.
Blount.	McDougald.
Bobbitt.	Merritt.
Bonham.	Montgomery.
Brown.	Morris.
Carter.	Nicholson.
Chitwood.	Parish.
Dielmann.	Pope.
Dunlap.	Powell.
Dunn of Hopkins.	Rowland.
Frnka.	Simpson.
Hagaman.	Smith of Travis.
Irwin.	Storey.
Jacks.	Wade.
Jasper.	Wallace.
Johnson.	Young.

Absent—Excused.

Kinnear.	Stautzenberger.
McBride.	

Senate bill No. 406 was then passed to third reading.

#### SENATE BILL NO. 406 ON THIRD READING.

Mr. Blount moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 406 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100.

Avis.	Kenyon.
Baker of Orange.	King.
Baker of Panola.	Kittrell.
Barker.	Laird.
Barron.	Lipscomb.
Bateman.	Mankin.
Bean.	Masterson.
Bedford.	Maxwell.
Bird.	McDonald.
Blount.	McGill.
Bobbitt.	McKean.
Boggs.	McNatt.
Bonham.	Moore.
Brown.	Parish.
Bryant.	Pavlica.
Cade.	Pearce.
Chitwood.	Petsch.
Coffey.	Poage.
Conway.	Purl.
Coody.	Rawlins.
Covey.	Raymer.
Cox of Navarro.	Renfro.
Cummings.	Rice.
Dale.	Robinson.
Daniels.	Rogers.
Davis of Dallas.	Rowell.
Davis of Wood.	Runge.
DeBerry.	Sanford.
Dinkle.	Shearer.
Donnell.	Sheats.
Downs.	Simmons.
Dunn of Falls.	Sinks.
Dunn of Hopkins.	Smith of Nueces.
Durham.	Smyth.
Faulk.	Sparks.
Florence.	Stell.
Foster.	Stevens.
Frnka.	Stevenson.
Graves.	Strong.
Gray.	Teer.
Hagaman.	Thompson.
Hall.	Veatch.
Harman.	Wade.
High.	Webb.
Hollowell.	Wells.
Hoskins.	Westbrook.
Hull.	Wester.
Johnson.	Williamson.
Justice.	Wilson.
Kayton.	Woodruff.
Kemble.	Young.

Nays—17.

Acker.	Harper.
Albritton.	Jordan.
Alexander	Lane of Hamilton.
of Limestone.	Perdue.
Cox of Lamar.	Pool.
Enderby.	Stout.
Farrar.	Taylor.
Fields.	Tomme.
Finlay.	Walker.

Absent.

Alexander	Amsler.
of Bastrop.	Atkinson.

Bartlett.	McFarlane.
Carter.	Merritt.
Dielmann.	Montgomery.
Dunlap.	Morris.
Irwin.	Nicholson.
Jacks.	Pope.
Jasper.	Powell.
Jones.	Rowland.
Lane of Harrison.	Simpson.
Loftin.	Smith of Travis.
Low.	Storey.
McDougald.	Wallace.

Absent—Excused.

Kinnear.	Stautzenberger.
McBride.	

The Speaker then laid Senate bill No. 406 before the House on its third reading and final passage.

The bill was read third time and was passed.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 16, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 608, A bill to be entitled "An Act creating a special road law for Nacogdoches county."

H. B. No. 321, A bill to be entitled "An Act providing for the protection of rainbow trout in the fresh waters of Texas, providing for a two-year closed season, and a closed season during certain months thereafter; prescribing a legal size and a daily bag limit; prohibiting the sale and barter of rainbow trout; prescribing a penalty, and declaring an emergency."

S. B. No. 463, A bill to be entitled "An Act amending Section 1, Chapter 34, Acts of the Regular Session, Thirty-fifth Legislature, creating the Lipscomb Independent School District in Lipscomb county; enlarging the boundaries thereof, and declaring an emergency."

S. B. No. 464, A bill to be entitled "An Act to amend Senate bill No. 183, passed as an act of the Thirty-ninth Legislature at its Regular Session, same being an act making appropriations for the support and maintenance of the State government for the two-year period beginning September 1, 1925, and ending August 31, 1927, so as to reitemize the appropriations made for the Executive Department, and declaring an emergency."

H. B. No. 355, A bill to be entitled "An Act authorizing the commissioners court of any county in this State to have old probate records or papers recorded by the county clerk when in the opinion of the commissioners court such recording is necessary; authorizing the commissioners court to compensate the county clerk for such work out of the general fund of the county, and declaring an emergency."

S. B. No. 468, A bill to be entitled "An Act adding to and making part of Center Common School District No. 34 of Fisher county certain lands and territory contingent thereto."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

#### TO SUSPEND CERTAIN HOUSE RULE.

Mr. Dinkle offered the following resolution:

Whereas, A number of members now have bills which they desire to get before the House for consideration; and

Whereas, Under the rules, all bills which fail to be engrossed by 6 o'clock p. m. Monday are dead; therefore, be it

Resolved, That the rule under which such bills are controlled be suspended and that the House extend the time for the consideration of bills on engrossment until 6 o'clock p. m., Tuesday, March 17, 1925.

The resolution was read second time.

Mr. Purl offered the following substitute for the resolution:

Whereas, Under Rule 19, Section 5, no Senate bills or House bills may be engrossed during the last 72 hours of this Regular Session; and

Whereas, Under the sine die adjournment the 72-hour period ends at 6 p. m. Monday; and

Whereas, Some important bills are pending which should not die on the calendar; now, therefore, be it

Resolved, That said Section 5 of Article XIX of the Rules be and is hereby suspended so as to extend the time from 6 p. m., Monday, to 11 p. m., Monday.

On motion of Mr. Dinkle, the substitute was tabled.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was lost by the following vote (not receiving the necessary two-thirds vote):

## Yeas—62.

Alexander	Kittrell.
of Limestone.	Laird.
Baker of Panola.	Masterson.
Barker.	McDougald.
Barron.	Montgomery.
Bateman.	Moore.
Bobbitt.	Parish.
Boggs.	Petsch.
Brown.	Poage.
Cade.	Powell.
Chitwood.	Rawlins.
Coffey.	Raymer.
Conway.	Rice.
Covey.	Sanford.
Dinkle.	Sheats.
Donnell.	Smith of Nueces.
Downs.	Smith of Travis.
Dunn of Falls.	Smyth.
Dunn of Hopkins.	Sparks.
Durham.	Stell.
Fields.	Stevenson.
Foster.	Strong.
Hagaman.	Teer.
Hall.	Tomme.
High.	Wade.
Hollowell.	Wallace.
Irwin.	Webb.
Jacks.	Wells.
Johnson.	Wester.
Jordan.	Wilson.
King.	Woodruff.

## Nays—59.

Acker.	Lane of Hamilton.
Albritton.	Loftin.
Atkinson.	Mankin.
Baker of Orange.	McDonald.
Bean.	McFarlane.
Bedford.	McGill.
Bird.	McKean.
Coody.	McNatt.
Cox of Lamar.	Pavlica.
Cox of Navarro.	Pearce.
Cummings.	Perdue.
Daniels.	Pool.
Davis of Wood.	Purl.
DeBerry.	Renfro.
Enderby.	Robinson.
Farrar.	Rogers.
Finlay.	Rowell.
Florence.	Runge.
Frnka.	Shearer.
Graves.	Simmons.
Gray.	Sinks.
Harman.	Stevens.
Harper.	Storey.
Hoskins.	Taylor.
Hull.	Thompson.
Jones.	Veatch.
Justice.	Walker.
Kayton.	Williamson.
Kemble.	Young.
Kenyon.	

## Absent.

Alexander	Jasper.
of Bastrop.	Lane of Harrison.
Amsler.	Lipscomb.
Avis.	Low.
Bartlett.	Maxwell.
Blount.	Merritt.
Bonham.	Morris.
Bryant.	Nicholson.
Carter.	Pope.
Dale.	Rowland.
Davis of Dallas.	Simpson.
Dielmann.	Stout.
Dunlap.	Westbrook.
Faulk.	

## Absent—Excused.

Kinnear.	Stautzenberger.
McBride.	

CONFERENCE COMMITTEE REPORT  
ON SENATE BILL NO. 189.

Mr. Sparks, chairman, submitted the following conference committee report on Senate bill No. 189:

Hon. Barry Miller, President of the Senate, and Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sirs: Your conference committee appointed to consider the differences between the two Houses on

S. B. No. 189, A bill to be entitled "An Act reorganizing the State of Texas into Supreme Judicial Districts for the purpose of constituting and organizing Courts of Civil Appeals therein; creating the Eleventh Supreme Judicial District of Texas, with Eastland as the site of said court; providing for the appointment and qualification of judges of said Eleventh Supreme Judicial District and other officers thereof; providing for the transfer of cases and regulating of appeals from lower courts, and declaring an emergency."

Have met and after a full and free conference have agreed on the differences between the two houses and do hereby make the recommendation that the same be adopted, with the following committee amendment, which is a substitute bill:

A bill to be entitled "An Act reorganizing the State of Texas into Supreme Judicial Districts for the purpose of constituting and organizing Courts of Civil Appeals therein; creating the Eleventh Supreme Judicial District of Texas, with Eastland as the site of said court; providing for the appointment and qualification of the judges of said

Eleventh Supreme Judicial District, and other officers thereof; providing for the transfer of cases and regulating appeals from the lower courts of the counties constituting said Eleventh Supreme Judicial District of Texas, making appropriation for support of said court, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. The State of Texas shall be and is hereby divided into eleven supreme judicial districts, for the purpose of constituting and organizing courts of civil appeals therein, respectively:

1. The following counties shall compose the First Supreme Judicial District: Houston, Walker, Harris, Washington, Grimes, Waller, Brazoria, Fort Bend, Matagorda, Wharton, Colorado, Austin, Lavaca, Jackson, Chambers, Anderson, DeWitt, Galveston, Burleson and Trinity.

2. The following counties shall compose the Second Supreme Judicial District: Wichita, Cooke, Montague, Clay, Archer, Young, Jack, Wise, Denton, Tarrant, Parker, Hood, Somervell, Johnson, Palo Pinto, Baylor and Knox.

3. The following counties shall compose the Third Supreme Judicial District: Coleman, Mills, Lampasas, San Saba, McCulloch, Concho, Llano, Burnet, Williamson, Milam, Lee, Bastrop, Hays, Travis, Blanco, Comal, Caldwell, Tom Green, Sterling, Irion, Schleicher, Bell, Brown, Crockett, Runnels, Coke and Fayette.

4. The following counties shall compose the Fourth Supreme Judicial District: Val Verde, Sutton, Edwards, Kinney, Maverick, Menard, Kimble, Bander, Kerr, Uvalde, Zavala, Dimmit, LaSalle, Webb, Frio, Medina, Duval, McMullen, Atascosa, Bexar, Kendall, Gillespie, Mason, Guadalupe, Wilson, Live Oak, Zapata, Bee, Gonzales, Karnes, Calhoun, Victoria, Goliad, Refugio, San Patricio, Aransas, Nueces, Hidalgo, Jim Hogg, Cameron, Starr, Real, Brooks, Jim Wells, Kleberg, Kenedy and Wilacy.

5. The following counties shall compose the Fifth Supreme Judicial District: Grayson, Collin, Dallas, Ellis, Rockwall, Navarro, Kaufman, Henderson, Van Zandt, Rains, Hunt, Wood and Delta.

6. The following counties shall compose the Sixth Supreme Judicial District: Lamar, Red River, Bowie, Hopkins, Franklin, Titus, Morris, Cass, Ma-

rion, Camp, Fannin, Cherokee, Gregg, Harrison, Panola, Smith, Upshur and Rusk.

7. The following counties shall compose the Seventh Supreme Judicial District: Dallam, Sherman, Ochiltree, Hansford, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Swisher, Castro, Briscoe, Hall, Childress, Lamb, Bailey, Hale, Floyd, Motley, Foard, Cottle, Hardeman, Wilbarger, Crosby, Lubbock, Hockley, Cochran, Yoakum, Terry, Lynn, Garza, Dickens, Kent and King.

8. The following counties shall compose the Eighth Supreme Judicial District: Gaines, Andrews, Martin, Loving, Winkler, Midland, Glasscock, Reeves, Ward, Crane, Upton, Reagan, Terrell, Pecos, Brewster, Presidio, Jeff Davis, El Paso, Ector, Culberson and Hudspeth.

9. The following counties shall compose the Ninth Supreme Judicial District: Shelby, Nacogdoches, Angelina, San Jacinto, Montgomery, Liberty, Jefferson, Orange, Hardin, Newton, Jasper, Tyler, Polk, Sabine and San Augustine.

10. The following counties shall compose the Tenth Supreme Judicial District: McLennan, Coryell, Robertson, Falls, Hamilton, Limestone, Hill, Freestone, Madison, Bosque, Brazos and Leon.

11. The following counties shall compose the Eleventh Supreme Judicial District: Stonewall, Haskell, Throckmorton, Stephens, Shackelford, Mitchell, Jones, Nolan, Taylor, Callahan, Eastland, Dawson, Howard, Scurry, Fisher, Comanche, Erath, Palo Pinto and Borden.

Sec. 2. Within thirty days after the passage of this act the Governor shall, by and with the consent of the Senate, if in session, appoint one chief and two associate justices for the Eleventh Supreme Judicial District, who shall each reside in the territorial limits of the Eleventh Supreme Judicial District, and who shall possess the qualifications now required by law, who shall constitute the Court of Civil Appeals within and for the Eleventh Supreme Judicial District, and who shall hold their offices until the next general election in 1926, and who shall thereafter be elected and qualify as provided and required by Article 1581 of the 1911 Revised Statutes of Texas.

Sec. 3. The Court of Civil Appeals for the Eleventh Supreme Judicial District shall hold its sessions in the city of Eastland, in the county of Eastland, and its term shall commence on the first Monday in October of each year and shall continue in session until the first Monday in July of each succeeding year; provided, however, that said court may commence its first session immediately upon appointment and qualification of the judges thereof and the organizing of the court; and provided further, that the court shall be located at Eastland, Eastland county, Texas, and the commissioners court of said county shall furnish, provide and equip a suitable room or rooms and library for said court and the members thereof, without cost or expense to the State.

Sec. 4. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, or so much thereof as may be necessary to pay the salaries of judges and for maintenance of the Eleventh Court of Civil Appeals of the State of Texas, for the period beginning May 1, 1925, and ending August 31, 1925, as follows:

Salaries of:	
Three judges .....	\$5,000
Clerk .....	1,000
Stenographer .....	500
Porter .....	200
Record books, stationery, ice, telegraph, express, postage, box rent and contingent expenses.....	200
One typewriter .....	100
Total .....	\$7,000

Sec. 5. There is hereby appropriated the following sums of money, or so much thereof as may be necessary, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the salaries of judges and for the maintenance of the Eleventh Court of Civil Appeals of the State of Texas, for the two-year period beginning September 1, 1925, and ending August 31, 1927, as follows:

Salaries of:	For years ending	
	Aug. 31, 1926.	Aug. 31, 1927.
Three judges .....	\$15,000	\$15,000
Clerk .....	3,000	3,000
Deputy clerk .....	1,500	1,500
Stenographer .....	1,500	1,500
Bailiff .....	100	100
Porter .....	600	600

For years ending  
Aug. 31, 1926. Aug. 31, 1927.

Record books, stationery, ice, telegraph, express, postage, box rent and contingent expenses .....	600	600
Typewriters .....	200	100
Fuel and lights.....	300	300
Totals .....	\$22,700	\$22,700

Sec. 6. The crowded condition of the docket of the Second Supreme Judicial District of Texas, and the unprecedented increase in litigation in the counties of the Eleventh Supreme Judicial District and the long distance intervening from said counties to any Court of Civil Appeals in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

HARDIN of Erath,  
MILLER,  
PARNELL,  
FLOYD,  
WOODWARD,  
On the part of the Senate.  
SPARKS,  
POPE,  
LAIRD,  
SANFORD,  
DANIELS,  
On the part of the House.

Mr. Sparks moved that the report be adopted.

Yeas and nays were demanded, and the report was adopted by the following vote:

Yeas—100.

Acker.	Cox of Navarro.
Albritton.	Daniels.
Atkinson.	Davis of Wood.
Baker of Orange.	DeBerry.
Baker of Panola.	Dinkle.
Barker.	Donnell.
Barron.	Downs.
Bateman.	Dunn of Falls.
Bean.	Dunn of Hopkins.
Bobbitt.	Enderby.
Boggs.	Farrar.
Brown.	Faulk.
Bryant.	Florence.
Cade.	Foster.
Chitwood.	Frnka.
Coffey.	Graves.
Covey.	Gray.
Cox of Lamar.	Hagaman.

Harman.	Rawlins.
Harper.	Raymer.
High.	Renfro.
Hollowell.	Rice.
Hoskins.	Robinson.
Hull.	Rogers.
Irwin.	Rowell.
Jacks.	Runge.
Johnson.	Sanford.
Jones.	Shearer.
Jordan.	Sheats.
Kayton.	Simmons.
Kemble.	Sinks.
Kenyon.	Smith of Nueces.
King.	Smith of Travis.
Kittrell.	Smyth.
Laird.	Sparks.
Lane of Harrison.	Stevens.
Mankin.	Stevenson.
Masterson.	Strong.
Maxwell.	Taylor.
McDougald.	Thompson.
McKean.	Tomme.
McNatt.	Veatch.
Montgomery.	Wade.
Moore.	Walker.
Pavlica.	Webb.
Pearce.	Wester.
Perdue.	Williamson.
Petsch.	Wilson.
Poage.	Woodruff.
Powell.	Young.
Purl.	

Nays—9.

Bird.	Lane of Hamilton.
Coody.	McFarlane.
Fields.	McGill.
Finlay.	Parish.
Justice.	

Present—Not Voting.

Stell.

Absent.

Alexander	Jasper.
of Bastrop.	Lipscomb.
Alexander	Loftin.
of Limestone.	Low.
Amsler.	McDonald.
Avis.	Merritt.
Bartlett.	Morris.
Bedford.	Nicholson.
Blount.	Pool.
Bonham.	Pope.
Carter.	Rowland.
Conway.	Simpson.
Cummings.	Storey.
Dale.	Stout.
Davis of Dallas.	Teer.
Dielmann.	Wallace.
Dunlap.	Wells.
Durham.	Westbrook.
Hall.	

Absent—Excused.

Kinnear.	Stautzenberger.
McBride.	

HOUSE JOINT RESOLUTION NO. 5  
ON SECOND READING.

The Speaker laid before the House, as unfinished business, on its passage to third reading,

H. J. R. No. 5, Proposing an amendment to Section 2 and Section 24 of Article III of the Constitution of the State of Texas, to provide that the Senate shall consist of thirty-one members and the House of Representatives to consist of one hundred members, and fixing the salaries for the members, fixing the time for the election to be held for such an amendment, and making an appropriation to pay the expenses thereof.

The resolution having heretofore been read second time, with amendment by Mr. Rowland and substitute by Mr. Bonham for the amendment pending.

Mr. Petsch moved the previous question on the pending amendment and the resolution, and the main question was ordered.

Question recurring on the amendment by Mr. Bonham, it was lost.

Question next recurring on the amendment by Mr. Rowland, it was adopted.

House joint resolution No. 5 was then passed to third reading by the following vote:

Yeas—95.

Acker.	Harman.
Avis.	Harper.
Baker of Orange.	High.
Baker of Panola.	Hollowell.
Barker.	Hoskins.
Bateman.	Hull.
Bedford.	Irwin.
Bird.	Jacks.
Bobbitt.	Jones.
Boggs.	Jordan.
Brown.	Kayton.
Bryant.	Kemble.
Cade.	Kenyon.
Chitwood.	Kittrell.
Conway.	Laird.
Coody.	Lane of Harrison.
Covey.	Lipscomb.
Cummings.	Loftin.
Daniels.	Mankin.
DeBerry.	Masterson.
Donnell.	McDonald.
Downs.	McDougald.
Dunn of Falls.	McFarlane.
Dunn of Hopkins.	McGill.
Durham.	McKean.
Enderby.	Montgomery.
Faulk.	Moore.
Fields.	Nicholson.
Finlay.	Parish.
Florence.	Perdue.
Foster.	Petsch.
Graves.	Poage.

Powell.	Stell.
Purl.	Storey.
Rawlins.	Stout.
Raymer.	Strong.
Renfro.	Taylor.
Rice.	Teer.
Robinson.	Tomme.
Rogers.	Veatch.
Rowell.	Wade.
Shearer.	Walker.
Sheats.	Webb.
Simmons.	Wells.
Sinks.	Westbrook.
Smith of Travis.	Wester.
Smyth.	Wilson.
Sparks.	Young.

Nays—25.

Albritton.	Lane of Hamilton.
Atkinson.	Maxwell.
Barron.	McNatt.
Bean.	Pavlica.
Bonham.	Pearce.
Coffey.	Pool.
Cox of Lamar.	Pope.
Davis of Wood.	Sanford.
Farrar.	Smith of Nueces.
Gray.	Thompson.
Hall.	Wallace.
Justice.	Williamson.
King.	

Present—Not Voting.

Alexander of Limestone.

Absent.

Alexander	Hagaman.
of Bastrop.	Jasper.
Amsler.	Johnson.
Bartlett.	Low.
Blount.	Merritt.
Carter.	Morris.
Cox of Navarro.	Rowland.
Dale.	Runge.
Davis of Dallas.	Simpson.
Dielmann.	Stevens.
Dinkle.	Stevenson.
Dunlap.	Woodruff.
Frnka.	

Absent—Excused.

Kinnear.	Stautzenberger.
McBride.	

HOUSE JOINT RESOLUTION NO. 9  
ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. J. R. No. 9, Proposing an amendment to Article VII of the Constitution of the State of Texas, by changing Section 3, eliminating the provision authorizing the Legislature to create special districts and permitting the majority of the property taxpayers of a county to

vote a school tax, and making an appropriation therefor.

The resolution was read second time.

Mr. Smyth offered the following (committee) amendment to the resolution:

H. J. R. No. 9, Proposing an amendment to Article VII of the Constitution of the State of Texas, by changing Section 3, eliminating the provision authorizing the Legislature to create special districts and making an appropriation therefor.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 3, Article VII of the Constitution be so changed as to read as follows (creating a new Section 3):

Section 3. One-fourth of the revenue derived from the State occupation taxes and poll tax of one dollar on every inhabitant of the State, between the ages of twenty-one and sixty years, shall be set apart annually for the benefit of the public free schools; and in addition thereto, there shall be levied and collected an annual ad valorem State tax of such an amount not to exceed thirty-five cents on the one hundred (\$100) dollars valuation, as with the available school fund arising from all other sources will be sufficient to maintain and support the public schools of this State for a period of not less than six months in each year, and it shall be the duty of the State Board of Education to set aside a sufficient amount out of the said tax to provide free text books for the use of children attending the public free schools of this State; provided, however, that should the limit of taxation herein named be insufficient the deficit may be met by appropriation from the general funds of the State, and the Legislature may also provide for the formation of school districts by general laws; and all such school districts may embrace parts of two or more counties. And the Legislature shall be authorized to pass laws for the assessment and collection of taxes in all said districts and for the management and control of the public school or schools of such districts, whether such districts are composed of territory wholly within a county or in parts of two or more counties. And the Legislature may authorize an additional ad valorem tax to be levied and collected within all school districts heretofore formed or hereafter formed, for the further maintenance of public free schools, and for the erection and equipment of school buildings therein; provided that a majority of the qualified property taxpay-



ing voters of the district voting at an election to be held for that purpose, shall vote such tax not to exceed in any one year one (\$1) dollar on the one hundred dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of school district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts, nor to independent or common school districts created by general or special law.

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of the State at an election to be held throughout the State on the first Tuesday after the first Monday in November, 1926, at which election all voters favoring said proposed amendment shall write or have printed on their ballots the words, "For the amendment to the Constitution of the State of Texas eliminating the provision which authorizes the Legislature to create special school districts," and all those opposed shall write or have printed on their ballots the words, "Against the amendment to the Constitution of the State of Texas eliminating the provision which authorizes the Legislature to create special school districts."

Sec. 3. The Governor of the State is hereby directed to issue the necessary proclamation for said election and to have same published as required by the Constitution and existing laws of the State.

Sec. 4. That the sum of two thousand (\$2000) dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State of Texas not otherwise appropriated, to pay the expenses of such publication and election.

The amendment was adopted.

House joint resolution No. 9 was then finally passed by the following vote:

Yeas—107.

Acker.	Bobbitt.
Albritton.	Boggs.
Alexander	Bonham.
of Limestone.	Bryant.
Atkinson.	Chitwood.
Avis.	Coffey.
Baker of Orange.	Conway.
Baker of Panola.	Coody.
Barker.	Covey.
Barron.	Cox of Lamar.
Bateman.	Dale.
Bean.	Daniels.
Bedford.	DeBerry.
Bird.	Donnell.

Downs.	Pavlica.
Dunn of Hopkins.	Pearce.
Durham.	Perdue.
Enderby.	Petsch.
Farrar.	Poage.
Faulk.	Pool.
Fields.	Powell.
Finlay.	Rawlins.
Florence.	Raymer.
Foster.	Renfro.
Graves.	Rice.
Gray.	Robinson.
Hagaman.	Rogers.
Hall.	Rowell.
Harman.	Sanford.
Harper.	Shearer.
High.	Sheats.
Hollowell.	Simmons.
Hoskins.	Sinks.
Hull.	Smith of Nueces.
Jacks.	Smith of Travis.
Johnson.	Smyth.
Jones.	Sparks.
Justice.	Stell.
Kayton.	Stevens.
Kemble.	Storey.
Kenyon.	Strong.
King.	Taylor.
Laird.	Teer.
Lane of Harrison.	Thompson.
Lipscomb.	Tomme.
Mankin.	Veatch.
Masterson.	Wade.
Maxwell.	Walker.
McDonald.	Webb.
McDougald.	Wells.
McFarlane.	Westbrook.
McGill.	Wester.
McNatt.	Wilson.
Montgomery.	Woodruff.
Moore.	Young.

Nays—2.

Davis of Wood. Pope.

Absent.

Alexander	Jordan.
of Bastrop.	Kittrell.
Amsler.	Lane of Hamilton.
Bartlett.	Loftin.
Blount.	Low.
Brown.	McKean.
Cade.	Merritt.
Carter.	Morris.
Cox of Navarro.	Nicholson.
Cummings.	Parish.
Davis of Dallas.	Purl.
Dielmann.	Rowland.
Dinkle.	Runge.
Dunlap.	Simpson.
Dunn of Falls.	Stevenson.
Frnka.	Stout.
Irwin.	Wallace.
Jasper.	Williamson.

Absent—Excused.

Kinnear.  
McBride.

Stautzenberger.

BILL ORDERED NOT PRINTED.

On motion of Mr. Maxwell, Senate bill No. 456 was ordered not printed.

MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 16, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 638, A bill to be entitled "An Act amending the special road law of Titus county, Texas, so as to authorize the commissioners court to fund the road and bridge indebtedness of said county by the issuance of funding or refunding bonds, and to levy a tax in payment thereof, and declaring an emergency."

H. B. No. 219, A bill to be entitled "An Act to amend an act passed at the Regular Session of the Thirty-eighth Legislature, being Chapter 171 of the General Laws passed by the Thirty-eighth Legislature, and being 'An Act fixing in counties having a population in excess of one hundred and fifty thousand inhabitants the compensation of district attorneys, and providing for the appointment of assistant district attorneys, investigators, stenographers, deputies and other employes and providing for their salaries and the manner of their payment, and repealing all laws in conflict herewith with exception, and declaring an emergency,' by providing that one of the seven assistant district attorneys authorized by the act to be appointed shall receive a salary not to exceed four thousand eight hundred dollars per annum, as provided in the act amended, and two other of said assistants at salaries not to exceed three thousand six hundred dollars per annum each, instead of a salary not to exceed three thousand dollars per annum each, as is provided in the act amended, all payable monthly by said counties, by warrant drawn from the general funds thereof, and declaring an emergency," with amendments.

The Senate has adopted the Free Conference Committee report on House bill No. 76 by a vote of 27 yeas.

Respectfully,

MORRIS C. HANKINS,  
Assistant Secretary of the Senate.

HOUSE JOINT RESOLUTION NO. 11  
ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. J. R. No. 11, Proposing an amendment to Section 26, Article V, of the Constitution of the State of Texas, to provide that the Governor of the State of Texas may appoint notaries public at any time, and it shall not be necessary that notaries public appointed by the Governor be confirmed by the State Senate of Texas.

The resolution was read second time.

Mr. Gray offered the following amendments to the resolution:

Amend House joint resolution No. 11 on page 1, line 27, by striking out the word "thirty" and inserting the word "three."

Amend caption of House joint resolution No. 11, page 1, line 6, after the word "article" by striking out the figure "5" and inserting the figure "4."

Amend House joint resolution No. 11, page 1, line 12, by striking out figure "5" and inserting the figure "4."

The amendments were severally adopted.

House joint resolution No. 11 was then finally passed by the following vote:

Yeas—106.

Acker.	Dunn of Falls.
Albritton.	Dunn of Hopkins.
Alexander	Durham.
of Limestone.	Enderby.
Atkinson.	Farrar.
Avis.	Fields.
Baker of Panola.	Finlay.
Barker.	Florence.
Barron.	Foster.
Bateman.	Frnka.
Bean.	Graves.
Bedford.	Gray.
Bird.	Hagaman.
Bobbitt.	Hall.
Boggs.	Harman.
Bryant.	Harper.
Chitwood.	High.
Coffey.	Hollowell.
Conway.	Hoskins.
Coody.	Jacks.
Covey.	Johnson.
Cummings.	Jones.
Dale.	Jordan.
Daniels.	Justice.
Davis of Wood.	Kayton.
DeBerry.	Kemble.
Dinkle.	Kenyon.
Donnell.	Laird.
Downs.	Lane of Hamilton.

Lipscomb.	Shearer.
Mankin.	Sheats.
Masterson.	Simmons.
McDonald.	Sinks.
McDougald.	Smith of Nueces.
McFarlane.	Smith of Travis.
McGill.	Sparks.
McNatt.	Stell.
Montgomery.	Stevens.
Moore.	Storey.
Pavlica.	Strong.
Pearce.	Teer.
Perdue.	Thompson.
Petsch.	Tomme.
Poage.	Veatch.
Pope.	Wade.
Powell.	Walker.
Rawlins.	Wallace.
Raymer.	Webb.
Renfro.	Westbrook.
Rice.	Wester.
Robinson.	Williamson.
Rogers.	Wilson.
Rowell.	Woodruff.
Sanford.	Young.

Nays—1.

Cox of Lamar.

Absent.

Alexander	Lane of Harrison.
of Bastrop.	Loftin.
Amsler.	Low.
Baker of Orange.	Maxwell.
Bartlett.	McKean.
Blount.	Merritt.
Bonham.	Morris.
Brown.	Nicholson.
Cade.	Parish.
Carter.	Pool.
Cox of Navarro.	Purl.
Davis of Dallas.	Rowland.
Dielmann.	Runge.
Dunlap.	Simpson.
Faulk.	Smyth.
Hull.	Stevenson.
Irwin.	Stout.
Jasper.	Taylor.
King.	Wells.
Kittrell.	

Absent—Excused.

Kinnear.	Stautzenberger.
McBride.	

HOUSE JOINT RESOLUTION NO. 16  
ON SECOND READING.

On motion of Mr. Veatch, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. J. R. No. 16, Proposing to amend Section 4 of Article XV of the Constitution of the State of Texas, by adding thereto a method of procedure in removing disabilities of any person re-

moved from office in this State by impeachment proceedings, and restoring to such person the right to hold public office.

The Speaker laid the resolution before the House and it was read second time.

Mr. Gray moved the previous question on the passage of the resolution, and the main question was ordered.

House joint resolution No. 16 was then passed to engrossment by the following vote:

Yeas—86.

Acker.	Mankin.
Albritton.	Masterson.
Alexander	McDonald.
of Limestone.	McDougald.
Atkinson.	McFarlane.
Avis.	Montgomery.
Baker of Orange.	Perdue.
Bean.	Poage.
Bedford.	Pool.
Bird.	Pope.
Bobbitt.	Purl.
Boggs.	Rawlins.
Chitwood.	Raymer.
Coffey.	Renfro.
Conway.	Rice.
Coody.	Robinson.
Cummings.	Rogers.
Davis of Dallas.	Sanford.
DeBerry.	Shearer.
Dinkle.	Sheats.
Donnell.	Simmons.
Dunn of Hopkins.	Sinks.
Durham.	Smith of Nueces.
Enderby.	Smith of Travis.
Finlay.	Smyth.
Foster.	Sparks.
Frnka.	Stell.
Hagaman.	Stevens.
Hall.	Stout.
Harper.	Strong.
High.	Taylor.
Hollowell.	Teer.
Irwin.	Tomme.
Jacks.	Veatch.
Jones.	Wade.
Jordan.	Walker.
Justice.	Wallace.
Kemble.	Webb.
Kenyon.	Wells.
King.	Westbrook.
Kittrell.	Wester.
Laird.	Williamson.
Lane of Hamilton.	Woodruff.
Lane of Harrison.	Young.
Lipscomb.	

Nays—34.

Baker of Panola.	Brown.
Barker.	Bryant.
Barron.	Cade.
Bateman.	Covey.
Bonham.	Cox of Lamar.

Dale.	Kayton.
Daniels.	Loftin.
Davis of Wood.	McGill.
Dunn of Falls.	McNatt.
Farrar.	Moore.
Fields.	Pavlica.
Florence.	Pearce.
Graves.	Petsch.
Gray.	Rowell.
Harman.	Runge.
Hoskins.	Storey.
Johnson.	Thompson.

Absent.

Alexander	Low.
of Bastrop.	Maxwell.
Amsler.	McKean.
Bartlett.	Merritt.
Blount.	Morris.
Carter.	Nicholson.
Cox of Navarro.	Parish.
Dielmann.	Powell.
Downs.	Rowland.
Dunlap.	Simpson.
Faulk.	Stevenson.
Hull.	Wilson.
Jasper.	

Absent—Excused.

Kinnear.	Stautzenberger.
McBride.	

#### CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 100.

Mr. Wallace submitted the following Conference Committee report on House bill No. 100:

Hon. Barry Miller, President of Senate;  
Hon. Lee Satterwhite, Speaker of the House of Representatives.

We, your Free Conference Committee, appointed on the part of the Senate and on the part of the House to adjust the differences between said bodies on House Bill No. 100, being entitled "An Act for the purpose of promoting the public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of one and a half million (\$1,500,000) dollars per year, or so much thereof as may be necessary, for the next two fiscal years ending August 31, 1926, and August 31, 1927, respectively, allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with the conditions herein specified; providing how such schools shall be located and school buildings constructed, furnished and maintained; providing certain prerequisites for the granting of such aid, and providing no school having over four

hundred scholastics, or any school located in a district of over five hundred (500) scholastics shall receive such aid; giving preference to all school districts in which the available school fund together with the local district tax will not maintain the school six months in the year; limiting the amount which any school may receive; providing for aid for schools where extraordinary conditions prevent schools from meeting stated requirements; providing assistance for such rural schools as will afford instruction and demonstration in home and farm vocations, according to plans approved by the State Department of Education; providing assistance for small districts which effect consolidation during the next two fiscal years; providing for the expenses of administration by action of the State Board of Education; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and disbursement of all money granted under the provisions of this act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and beg leave to report back to the two houses that we have adjusted the differences between the House and the Senate, and recommend that the substitute bill hereto attached do pass:

Committee Substitute for H. B. No. 100.

#### A BILL

#### To Be Entitled

An Act for the purpose of promoting the public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of one and a half million (\$1,500,000) dollars per year, or so much thereof as may be necessary for the next two fiscal years ending August 31, 1926, and August 31, 1927, respectively, allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with the conditions herein specified; providing how such schools shall be located and school buildings constructed, furnished and maintained; providing certain prerequisites for the granting of such aid, and providing no school having over four hundred scholastics, or any school located in a district of over five hundred (500) scholastics

shall receive such aid; giving preference to all school districts in which the available school fund together with the local district tax will not maintain the school six months in the year; limiting the amount which any school may receive; providing for aid for schools where extraordinary conditions prevent schools from meeting stated requirements; providing assistance for such rural schools as will afford instruction and demonstration in home and farm vocations, according to plans approved by the State Department of Education; providing assistance for small districts which effect consolidation during the next two fiscal years; providing for the expenses of administration by action of the State Board of Education; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and disbursement of all money granted under the provisions of this act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. For the purpose of promoting the public school interests of rural schools and those of small towns, and of aiding the people in providing better school facilities for the education of their children, one and a half million (\$1,500,000) dollars, or such part thereof as may be necessary, is hereby appropriated for the school year ending August 31, 1926, and one and a half million (\$1,500,000) dollars, or such part thereof as may be necessary, for the year ending August 31, 1927, to be used in accordance with the provisions of this act in aiding rural schools and those of small towns.

Sec. 2. State aid under the provisions of this act may be distributed in such way to assist all schools of not more than 400 scholastic enrollment located in common or independent districts of not more than 500 scholastics to maintain the school for such length of term, not to exceed eight months, as may be desired by the district board of school trustees, the granting of such aid to be subject to the following conditions:

1. Each school receiving this aid shall be provided with a suitable schoolhouse, erected in accordance with the Texas

Schoolhouse Building Law, or meeting substantially the requirements thereof, which shall be well located on a plot of ground not less than one acre in extent, properly drained.

2. Each such school shall be provided with necessary desks, seats and blackboards, with library, maps and charts, with such heating and ventilating equipment and such sanitary closets as are approved by the State Superintendent, or his representative.

3. Teachers employed in State aid schools shall furnish to the State Superintendent satisfactory evidence of professional training and worthy service.

4. No common or independent school district shall be eligible to receive aid unless it shall be providing for the maintenance of its schools by voting and levying a local school tax of not less than seventy-five cents on the hundred dollars of property valuation; and provided further, that the property valuation shall not be less than said property is valued for State and county purposes.

5. Each school receiving State aid under the provisions of this act shall teach the common school subjects as prescribed by law, and shall follow the State course of study and shall be required to observe the school laws and rulings of the State Superintendent of Public Instruction and State Board of Education.

6. After August 31, 1926, no district shall be granted aid to be used directly or indirectly in assisting the district to liquidate outstanding indebtedness previously contracted.

Sec. 3. Schools of not more than four hundred (400) and not less than fifteen (15) scholastics located in districts of not more than 500 enrollment, complying with the foregoing conditions may send to the State Superintendent, on blanks provided by the State Department of Education, a list of teachers employed in the school, showing the monthly salary, experience and training of each, together with an itemized statement of expected receipts and expenditures, the length of term, and such other information as may be required. The State Superintendent, with the approval of the State Board of Education, may then grant to the school such an amount of this fund as may be necessary to maintain the school for the desired length of term, provided that this period be not longer than eight scholastic months.

It is hereby provided further that sparsely settled counties having less

than 1400 scholastic population in the common school districts may be exempted from the minimum restriction of this section, provided that each district applying for aid votes and levies the limit of local support as provided in this bill.

Sec. 4. It is expressly hereby provided that all school districts meeting the requirements of this act and not having sufficient available school funds to maintain their schools six months in the year shall be given the preference in the distribution of this fund to the end that all the public schools in the State can be maintained at least six months in the year, provided that no salaries to be paid out of State and county funds shall exceed those permitted in the general school laws in accordance with the grade of certificate held.

Sec. 5. In case of extraordinary and unusual conditions where it can be shown that its own resources are insufficient, the State Board of Education may arrange for the support of the rural school from State aid funds for a period of not exceeding six months, even though the school district be unable to comply with the foregoing conditions; provided, however, that the amount of the tax herein provided for must be voted by the patrons of said school district and cannot be waived by the State Board of Education, and provided further, that the amount granted in no case shall exceed \$300.

Sec. 6. Under the provisions of this act no one-teacher school, with an enrollment of more than twenty pupils, shall be eligible to receive aid, if said school offers work above the seventh grade, as outlined by the State course of study; provided, however, that in addition to the funds allotted to any district for a one-teacher school of not more than seven grades, a grant not to exceed five dollars per month for each child of scholastic age residing in the district and desiring to attend a public high school in another district may be made on the recommendation of the county superintendent, for a period not to exceed the number of months the public schools are maintained in the district of such child's residence, if the said district does not maintain a public high school open to such pupil; and provided further than no such grant may be made unless satisfactory evidence of the actual enrollment of such child in a high school is furnished by the principal thereof, and then only for the months in which such child is in regular attendance on such high school. Said allowance of \$5 per capita per month is to be in lieu of a transfer of the State

and county per capita apportionment, and if such transfer is made, a credit shall be allowed the district for the same. The funds due to high school pupils, as provided in this section, shall be paid to them by warrants drawn by the trustees of the district, against the funds granted said district for such purpose.

Only districts that are levying and collecting a local tax of not less than seventy-five cents on the hundred dollars valuation are eligible for this special aid. The funds due for such tuition shall be paid by warrants drawn by the trustees of the pupil's home district against the funds granted said district for such purpose.

Sec. 7. State aid to the amount of not more than \$250 to any one school in a district which will provide for proper instruction and demonstration in farm mechanics and carpentry, gardening and agriculture, home economics and sanitation, sewing, cooking and canning, according to plans furnished and approved by the State Department of Education, may be granted from the appropriation authorized by this act. It is expressly provided that the school district which applies for special aid under this section must be complying with the foregoing conditions as stated in Section 2 of this act.

Sec. 8. It is hereby further provided that the sum of one thousand (\$1000) dollars may be granted by the State Superintendent, with the approval of the State Board of Education, for each rural consolidation effected during the biennium ending August 31, 1927, between two or more common school districts, or between an independent school district and one or more common school districts, provided the total scholastic population does not exceed five hundred in such consolidated district; provided such consolidation results in the erection of a rural high school building with not fewer than four teachers, or the addition of at least one room and one teacher, as a consequence of the consolidation, to the high school already provided, and resulting in a school of not fewer than four teachers. This sum shall become available when the building has been erected, or is nearing completion.

Sec. 9. Consolidated rural schools, formed in accordance with Section 8 of this act, which make provision for transportation of pupils to and from said schools at public expense, may be granted from this fund, in addition to the amount provided in Section 8 of this act, a sum equal to one-half the cost of transportation, in amount not to exceed

five hundred (\$500) dollars for any one school, provided the contract for said transportation be approved by the State Superintendent.

Sec. 10. Except as authorized in Sections 8 and 9, no district shall receive a total of more than one thousand (\$1000) dollars in any one year under the provisions of this act.

Sec. 11. General Power of the State Board of Education.—The State Board of Education shall be authorized and it shall be their duty to take such action and to make such rules and regulations not inconsistent with the terms of this act, as, in its opinion, may be necessary to carry out the provisions and intentions of this act. They shall have the power to impose such other conditions and regulations as to the granting of State aid as may not conflict with provisions herein specified, as, in their opinion, may be for the best interests of the schools for whose benefit the funds are appropriated.

Sec. 12. Duties of the State Superintendent of Public Instruction.—It shall be the duty of the State Superintendent of Public Instruction to go in person or to send one of the rural school supervisors, authorized by this act, who shall make a thorough investigation in person, or through representatives approved by the State Board of Education, of the grounds, buildings, equipment and possibilities of each school applying for State aid under the provisions of this act, and aid shall not be granted to any school unless it be shown that such aid is actually needed for efficiency of school work and for the desired length of term. In cases where exceptional conditions or lack of sufficient supervisory force renders personal inspection by the Department of Education impossible in time to grant State aid to some schools, the State Superintendent shall pursue such course, in regard to the final granting of State aid to such schools, as, on his recommendation, may be approved by the State Board of Education.

Sec. 13. Warrants and Reports.—Warrants for all money granted under the provisions of this act shall be transmitted by the State Superintendent of Public Instruction to treasurers or depositories of school districts to which State aid is granted in the same manner as warrants for State apportionment are now transmitted, and it shall be the duty of all treasurers or depositories to make annually itemized reports under oath to the State Superintendent of Public Instruction of the expenditure

of all money granted under the provisions of this act.

Sec. 14. Apportionment Privileges.—County schools and small town schools shall be entitled to share in the distribution of State and county available school funds, and in all other school funds in the same manner as other school districts; and in case high school grades are maintained the community shall still be entitled to participate in the distribution of any State aid that may be extended by the Legislature of Texas for vocational or industrial purposes to high schools of the State, although it accepts the provisions of this act.

Sec. 15. No part of the funds herein appropriated shall be used to increase the minimum monthly salary of teachers over that specifically contracted for in their employment. By this section it is meant that no part of funds appropriated herein shall be used to supplement or add to any monthly salary of any teacher originally contracted for by such teacher and should any school, which would otherwise be eligible to receive funds under this act, agree or promise to pay an additional amount, or bonus, to any teacher above the minimum monthly salary originally contracted for by such teacher, then such school shall forfeit its right to receive aid under this act.

Sec. 16. The fact that many schools in our rural communities are in need of aid, and the further fact that the public policy requires that public provisions be made for the maintenance and support of our schools with as little delay as possible, and that considerable time is required in preparation for carrying out the terms of this act before the schools can take advantage of the provisions stated herein creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

STRONG,  
POLLARD,  
FLOYD,

On the part of the Senate.

WALLACE,  
STOREY,  
JOHNSON,  
MOORE,  
BRYANT,

On the part of the House.

On motion of Mr. Wallace, the report was adopted.

#### RELATING TO HOUSE JOINT RESOLUTIONS.

Mr. Purl moved that further consideration of all House joint resolutions on the Speaker's table be postponed until 9 o'clock a. m. tomorrow.

The motion prevailed.

#### SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 467, to the Committee on Appropriations.

Senate bill No. 325, to the Committee on State Affairs.

Senate bill No. 466, to the Committee on Appropriations.

Senate bill No. 463, to the Committee on School Districts.

Senate bill No. 464, to the Committee on Appropriations.

Senate joint resolution No. 10, to the Committee on Constitutional Amendments.

Senate bill No. 223, to the Committee on Municipal and Private Corporations.

Senate bill No. 259, to the Committee on Oil, Gas and Mining.

Senate bill No. 458, to the Committee on Public Lands and Buildings.

Senate bill No. 349, to the Committee on Conservation and Reclamation.

Senate bill No. 470, to the Committee on Public Lands and Buildings.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Wade, House bill No. 689 was ordered not printed.

On motion of Mr. Bonham, Senate bill No. 467 was ordered not printed.

On motion of Mr. Harman, Senate joint resolution No. 10 was ordered not printed.

On motion of Mr. DeBerry, House bill No. 594 and Senate bills Nos. 468 and 463 were ordered not printed.

#### HOUSE BILL NO. 219 WITH SENATE AMENDMENTS.

Mr. Kittrell called up from the Speaker's table, with Senate amendments, for consideration of the amendments.

H. B. No. 219, A bill to be entitled "An Act to amend an act passed at the Regular Session of the Thirty-eighth Legislature, being Chapter 171 of the General Laws, passed by the Thirty-eighth Legislature and being 'An Act

fixing in counties having a population in excess of one hundred and fifty thousand inhabitants the compensation of district attorneys, and providing for the appointment of assistant district attorneys, investigators, stenographers, deputies and other employes and providing for their salaries and the manner of their payment, and repealing all laws in conflict herewith with exception, and declaring an emergency,' by providing that one of the seven assistant district attorneys authorized by the act to be appointed shall receive a salary not to exceed four thousand eight hundred dollars per annum, instead of a salary not to exceed three thousand six hundred dollars per annum, as provided in the act amended, and two other of said assistants at salaries not to exceed three thousand six hundred dollars per annum each, instead of a salary not to exceed three thousand dollars per annum each, as is provided in the act amended, all payable monthly by said counties, by warrant drawn from the general funds thereof, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Kittrell, the House concurred in the Senate amendments.

#### SENATE BILL NO. 303 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 303, A bill to be entitled "An Act to provide that owners of public free school land heretofore purchased from the State of Texas, which land may hereafter be forfeited for non-payment of interest as now provided by law, provided said forfeiture was caused by reason of interest accrued or accruing prior to the taking effect of this act, shall have the right to repurchase said lands or any part thereof at the reappraised value thereof under the law now governing such sales, and leaving any lien and valid contractual right existing in and to the land so repurchased unimpaired and providing for a revaluation of such land by the Commissioner of the General Land Office as may be desired to be repurchased under this act, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### SENATE BILL NO. 84 ON SECOND READING.

The Speaker laid before the House,



on its second reading and passage to third reading,

S. B. No. 84, A bill to be entitled "An Act amending Article 636 of the Penal Code of the State of Texas, and providing that all male and female persons who habitually associate with prostitutes or habitually loiter in or around houses of prostitution or receive financial aid from prostitutes, shall be punished as vagrants, and defining the terms 'prostitute' and 'common prostitute'; and adding to Chapter 9, Title 11 of the Penal Code of the State of Texas, the Article 636a, and providing therein the evidence which may be admissible in vagrancy trials and the effect of such evidence, and repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Cummings offered a list of committee amendments to the bill.

The amendments were severally adopted.

Senate bill No. 84 was then passed to third reading.

#### SENATE BILL NO. 382 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 382, A bill to be entitled "An Act to provide for the printing, sale and distribution of the Revised Civil Statutes of 1925, the Penal Code and Code of Criminal Procedure of 1925, as passed at the Regular Session of the Thirty-ninth Legislature; providing that all officers in Texas who have taken out their commission shall be entitled to a copy of said Revised Civil Statutes, Penal Code and Code of Criminal Procedure for the use and benefit of their respective offices; providing that each Senator and Representative in the Legislature of the State of Texas shall be entitled to a copy each of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure; providing that the State Board of Control shall have printed at the expense of the State ten thousand copies of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure, to be bound in law sheep and to be sold at actual cost to the State, and declaring an emergency."

The bill was read second time.

Mr. Frnka offered the following amendment to the bill:

Amend Senate bill No. 382, by striking out all after the enacting clause and insert the following:

Section 1. That the Revised Civil Statutes, the Penal Code and Code of Criminal Procedure of the State of Texas adopted and established by the Thirty-ninth Legislature at its Regular Session, shall, as soon as practicable, be printed and published under the supervision of the Secretary of State and the Board of Control with the assistance of a supervisor as hereinafter provided, in the manner provided for in this act.

Sec. 2. That said Revised Civil Statutes shall be published in two volumes to be entitled "The Revised Civil Statutes of Texas, 1925;" and that said Penal Code and said Code of Criminal Procedure shall be published in one volume to be entitled "Texas Criminal Statutes, 1925." In the publication thereof the head indices and references, titles, chapters, and articles contained and numbered in the acts by which the same were adopted and established shall be retained and published therein, together with a full and accurate index to each of said Codes and said Revised Statutes.

Sec. 3. Where any article in said Revised Statutes or Codes has been expressly repealed by the Thirty-ninth Legislature said article shall be omitted from said volume, and in lieu thereof, there shall be inserted a statement to the effect that said article has been repealed, and the page of the session acts containing said repealing statute.

Sec. 4. Where any article in said Revised Statutes or Codes shall have been amended and re-enacted by the Thirty-ninth Legislature, said article shall be omitted and the article as amended and re-enacted shall be inserted in lieu thereof, with notes or references showing the date of the statute by which said article was amended, and the page of the session acts in which said statute appears.

Sec. 5. When any article, chapter, or title of said Revised Statutes or Codes has been modified by an act of said Legislature, but the same is not amended and re-enacted, then said article, chapter, or title shall be retained in said volume, and the act modifying the same shall be inserted immediately after such article, chapter, or title, together with like notes or references, as hereinbefore provided.

Sec. 6. Full and accurate indices to said Codes and the Revised Statutes shall be attached to each of said Codes and to the Revised Statutes, respectively. The supervisor to be appointed shall have authority to correct evident typographi-

cal errors and inaccuracies found in said Revised Statutes and Codes.

Sec. 7. The Governor shall appoint a lawyer of experience and ability who shall prepare said volumes for publication as directed in this act, under the direction of the Secretary of State, and who shall read and revise the proof of the said Statutes, Codes and indices, and other matters included in said volumes, and shall receive for his services the same compensation as was allowed the commissioners who revised the Codes and Statutes, to wit: five hundred dollars per month, for the time he is actually engaged in the duties required of him, the same to be paid upon the certificate of the Comptroller out of the amount appropriated for printing the Revised Statutes and Codes, and said codifier is authorized to employ one assistant, such assistant to be paid on the certificate of the Comptroller out of the same fund, an amount not exceeding one hundred and fifty dollars per month, and the total to be expended under this section shall not exceed two thousand five hundred dollars.

Sec. 8. The Statutes and Codes shall be printed on good quality of book paper, in size of page and style and type corresponding with the printed bill adopting the Revised Statutes of Texas of 1925. There shall be printed eight thousand copies of each of said volumes of said Civil and Criminal Codes. The binding shall be of the best style and workmanship and in law buckram of the best quality, and the title page of each volume shall recite and show that it is published by authority of the State of Texas, and each shall be authenticated by the certificate of the Secretary of State annexed thereto, as other laws when published are required to be certified; and said State Board of Control shall require said edition to be electrotyped and shall secure and preserve the plates as the property of the State, same to be delivered to the Secretary of State.

Sec. 9. The Board of Control shall immediately after the passage of this act advertise for thirty days in three daily newspapers in this State for sealed proposals for printing, binding and electrotyping the laws as aforesaid, and shall on the day fixed in the advertisement, in the presence of such persons as desire to be present proceed to open the proposals and award the contract to the best and lowest bidder, which proposal shall state the price per volume at which the bidder proposes to electrotype, print, bind and furnish under the

superintendence and direction of the said board the laws and electrottype plates, as herein provided, and no bid or proposal shall be considered that is not accompanied by a guarantee of two or more sufficient sureties that if the contract should be awarded to the bidder he will execute the necessary bond for the performance of the work in the manner and style provided in this act; and the person or persons to whom such contract is awarded shall, within ten days after receiving notice thereof, execute a bond to the State of Texas in the sum of such amount as may be fixed by the Board of Control, with two or more sufficient sureties, to be approved by the board, conditioned for the faithful performance of the work in the manner and style therein prescribed and according to the provisions of this act, and for the delivery of said volumes and plates to the Secretary of State on or before the first day of September, 1925; said volumes may be received, for an earlier distribution, in numbers of a thousand at a time, as the work progresses; and the right shall be reserved by the board to reject any and all bids and proposals, if in their judgment, the terms proposed are not favorable to the State. Upon the delivery by the contractor of the volumes and plates aforesaid to the Secretary of State, executed according to the terms of the contract and accepted by the board, the amount due therefor shall be audited, allowed, and paid as provided by law in cases of other public printing, and the statutes in force in relation to public printing shall be applicable to the contract under this act in all matters not herein otherwise provided.

Sec. 10. The Secretary of State shall furnish one copy of each volume to each member of the Legislature, including the Lieutenant Governor, and to each county judge in the State, and shall in addition thereto furnish each county judge of the State a sufficient number of each of said volumes to supply each elective county and precinct officer with one copy of each of said volumes, and the Secretary of State shall furnish one copy of each volume to each of the judges of the Supreme Court, the Courts of Civil and Criminal Appeals, to each district judge, to each district attorney, and each executive at the seat of government and four copies to the librarian of the State Library. In forwarding said copies the Secretary of State shall regard only those officers who have secured their certificate of election as officers, where certificates are required, entitled to receive said copies. After

the officials hereinbefore enumerated have been supplied, single copies may be sold by the Secretary of State for the same price which the State pays the contracting printer, plus expense of handling and postage, such sales to be made to persons who desire them for their own use, and the proceeds of such sales shall be paid the State Treasurer, and the Secretary of State shall report such sales in his biennial report.

Sec. 11. The Board of Control shall contract for the printing of eight thousand copies each of the Civil and Criminal Statutes and may, from time to time, if the demand shall make it necessary, at the request of the Secretary of State, cause such additional volumes to be printed as may be required to supply such demand.

Sec. 12. Sixty thousand dollars, or so much of that sum as may be necessary, is hereby appropriated for the purpose of carrying into effect the provisions of this act.

Sec. 13. The necessity for the publication of the Revised Statutes and the Penal Code and Code of Criminal Procedure of the State of Texas in as complete a form as possible, and their early distribution among the people, creates an imperative public necessity and emergency that the rule requiring bills to be read on three several days be suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

Senate bill No. 382 was then passed to third reading.

#### HOUSE BILL NO. 375 ON SECOND READING.

On motion of Mr. Parish, the regular order of business was suspended to have taken up and placed on its second reading and passage to engrossment,

H. B. No. 375, A bill to be entitled "An Act to amend Section 5, Chapter 87, of the Acts of the Thirty-fifth Legislature of the State of Texas, as amended by Chapter 11, Second Called Session of the Thirty-eighth Legislature, by providing for organization of water improvement districts; providing that questions to be submitted at such election; and to amend Section 7, Chapter 87, of the Acts of the Regular Session of the Thirty-fifth Legislature of the State of Texas, as amended by Chapter 28, Second Called Session of the Thirty-sixth Legislature of the State of Texas, as amended by Chapter 11, Second Called Session of the Thirty-eighth

Legislature, providing for the manner of conducting elections, provided for in said Chapter 87; providing the qualifications for voters at such election; prescribing the duties for the commissioners court in canvassing the returns of such votes; the creation of water improvement districts; providing for the division of the proposed district into one or more election precincts; and providing polling places in such voting precincts; the appointment of judges and clerks to hold such election; providing a method of filling places on said election board; providing for printing of ballots and the matter to be contained thereon; and amending Section 9, of Chapter 87, of the Acts of the Regular Session of the Thirty-fifth Legislature of the State of Texas, as amended by Chapter 28, Second Called Session of the Thirty-sixth Legislature of the State of Texas, as amended by Chapter 11, Second Called Session of the Thirty-eighth Legislature, by providing for returns to be made by the officers of such election; the canvass and return showing the result of such election; the establishment of districts and making records thereof; and to canvass votes for the directors, and declaring the result."

The Speaker laid the bill before the House and it was read second time.

Mr. Parish offered the following (committee) amendments to the bill:

#### Committee Amendment No. 1.

Amend House bill No. 375 by striking out all after the enacting clause and insert in lieu thereof the following:

Section 1. That Section 9, of Chapter 87, General Laws of the State of Texas, passed at the Regular Session of the Thirty-fifth Legislature of the State of Texas, as amended by Chapter 28, Second Called Session of the Thirty-sixth Legislature, be and the same is hereby amended so as to read as follows:

"Section 9. The officers of the election shall make returns for each polling place in the same manner as provided by law for general elections, and the county commissioners court shall canvass said returns in the manner provided by law. If a majority of said votes be cast in favor of the organization of said district, then the court shall declare the result of said election in favor of the establishment of said district and shall enter same in the minutes of said court. If a majority

of said votes be cast in favor of the issuance of notes of said district, then the court shall declare the result of said election in favor of the issuance of said notes, and it shall be the duty of the board of directors, when qualified, to issue notes of the said district in a sum not to exceed four per cent of the proposed cost of improvements to be made in said district, for the purpose of creating a fund to pay the cost of the organization of the district and the cost of all surveys, investigations, engineering, issuance of bonds, making and filing of maps and reports, all legal expenses connected therewith, and all other costs and expenses authorized or made necessary by the provisions of this chapter; and to sell said notes, or to exchange the same in payment for such costs and expenses. Said notes to be secured by the assessment, levy and collection of taxes as hereinafter provided for the assessment, levy and collection of taxes for the payment of the bonds of said district; provided, however, that all notes issued under the provisions of this article shall be paid off, satisfied and discharged out of the proceeds of the bonds when issued and sold. If bonds of said district are not voted at the election held for that purpose, then and in that event the notes so issued shall continue in force and effect and shall be paid off, satisfied and discharged by the assessment, levy and collection of taxes to pay note issues. The court shall also canvass the votes for directors and declare the election of the five persons receiving the highest number of votes for said office; provided, that should it be found that two or more persons had received the same number of votes so as to make it a tie for the office between them, then the said court shall elect one of said persons to fill such position. In the event said district is composed of territory lying in two or more counties the said returns shall be canvassed and the result declared as hereinafter provided.

Sec. 2. That Section 80, of Chapter 87, Acts of the Regular Session of the Thirty-fifth Legislature of the State of Texas, as amended by Chapter 13, Acts of the Regular Session of the Thirty-seventh Legislature, be and the same is hereby amended so as to read as follows:

"Section 80. When any district proposed to be established embraces lands located in two or more counties the owners of title, or evidence of title of

a majority of the acreage of the proposed district, or fifty property tax-paying voters of the territory proposed to be embraced within a district, may petition the State Board of Water Engineers for a hearing to determine the advisability of the creation of such district, and for an order of election creating such district, and for the election of five directors of the proposed district. Upon the filing of such petition the Board of Water Engineers shall set same down for a hearing at a date not less than fifteen nor more than thirty days from the date of the filing of such petition, and shall cause notice to be given to the commissioners court of each county in which lands are located proposed to be embraced in the district, and stating the date and place of the hearing, and upon receipt of such notice by the commissioners courts from the State Board of Water Engineers it shall be the duty of the clerk of said commissioners courts to post a notice at the courthouse door of the date and place of hearing. At such hearing on said petition to the Board of Water Engineers any person whose land would be affected by the organization of such district may appear before the Board of Water Engineers and protest against or contend for the creation of the proposed district, and may offer competent testimony to show that the said district would or would not serve a beneficial purpose, and that the organization of such district would or would not be practicable or capable of accomplishing the purposes intended by its organization.

"If upon hearing of such petition it shall appear to the Board of Water Engineers that the proposed plan of water conservation, irrigation and use presented in the petition praying for the organization of the district, is practicable and would present a public utility, then the said Board of Water Engineers shall so find and enter such finding in the records of the board, and shall transmit a certified copy of such findings to the commissioners court in each county in which lands proposed to be embraced within said district are situated, and naming a date on which an election shall be held in the territory to be comprised within the district to determine whether or not the proposed district shall be created in accordance with the provisions of this act, and for the election of a board of five directors of such district. But should the Board

of Water Engineers upon such hearing determine that said proposed district is not practicable and will not serve a beneficial purpose, and that it would not be possible to accomplish through its organization the purposes proposed, then it shall so find and enter its findings of record, and the petition shall be thereupon dismissed.

"Upon the receipt of a certified copy of the findings of the Board of Water Engineers authorizing an election to determine whether or not the proposed district shall be formed, the commissioners court of each county and part of county which is embraced within the proposed district shall give notice of an election to be held on the date named in the finding and order of the Board of Water Engineers, which notice shall be posted as provided in this act for other elections for not less than fifteen nor more than thirty days before the date fixed for the election.

"At the said election there shall be submitted for the decision of the voters the question whether or not the proposed district shall be created, and for the election of five directors for the district. Persons desiring to vote for the creation of such district and for the election of five directors for such district shall have written or printed on their ballots the words 'For the District' and those desiring to vote against the creation of the district shall have written or printed on their ballots the words 'Against the District.' 'For the Issuance of Notes' 'Against the issuance of Notes.' At such election the names of the directors may be written or printed upon said ballot, or a separate ballot may be used for such purpose."

Sec. 3. That Section 118a, as added to Chapter 87, Acts of the Regular Session of the Thirty-fifth Legislature, by Chapter 28, Acts of the First Called Session of the Thirty-sixth Legislature of the State of Texas, be amended so as to read as follows:

"Section 118a. No town, city or municipal corporation shall be included within any district organized hereunder unless the proposition for the organization thereof shall have been adopted by a majority vote of the voters therein participating in such election. Any such municipal corporation included within a district shall be a separate voting district and the ballots cast therein shall be counted and canvassed

to show the result of such election therein. No district hereafter organized embracing a town, city or municipal corporation shall include lands outside of such municipal corporation unless the election held therein to confirm and ratify the formation of such district shall be adopted thereby independent of the vote in such municipal corporation. No district, the major portion of which is in one county shall be organized to include lands in another county unless election held therein to confirm and ratify the formation of such district shall be adopted by the vote of those voting in such portion of such county, independent of the vote of the portion thereof in such other county or counties. In the event any portion of a district under the provisions of this section shall vote against the formation of a district and the balance of such district shall vote for the formation thereof, such proposition shall be adopted and such district be confirmed and ratified with the exception of the territory so voting against same, which is thereby automatically excluded therefrom and from all debts and obligations thereafter incurred; provided, however, if as many as ten per cent of the voters of such district so organized shall file with the board of directors a petition asking for a new election on such issue, such new election shall be ordered and held for the remaining portion of such district, or such district organization may be dissolved by order of the board of directors and a new district be formed. All lands and property included in such original district shall be subject to the payment of taxes for the payment of all debts and obligations incurred while it was a part thereof, including organization expenses. The petition asking for a new election herein provided for shall be filed within thirty days after the date upon which the result of such election is canvassed and declared by the directors and not thereafter."

Sec. 4. The fact that the law regarding the creation of irrigation districts is confusing on some points and unsatisfactory in others creates an emergency and an imperative public necessity that the constitutional rule which requires all bills to be read on three separate days in each House be suspended and that this act be in full force and effect from and after its passage, and said rule is hereby suspended, and it is so enacted.

## Committee Amendment No. 2.

Amend House bill No. 375 by striking out all before the enacting clause and insert in lieu thereof the following:

A bill to be entitled "An Act amending Section 9, of Chapter 87, of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fifth Legislature of the State of Texas, amended by Chapter 28, Second Called Session of the Thirty-sixth Legislature, amended by Chapter 11, Second Called Session of the Thirty-eighth Legislature, by limiting the issuance of notes to four per cent of the proposed cost of improvements to be made in creating water improvement districts; and amending Section 80, of Chapter 87, of the General Laws of the State of Texas passed at the Regular Session of the Thirty-fifth Legislature of the State of Texas, amended by Chapter 13, Regular Session of the Thirty-seventh Legislature, by omitting the provision in the last part of said section which provides for the change in boundary lines in irrigation districts; and amending Section 118a, Chapter 87, of the Acts of the Regular Session of the Thirty-fifth Legislature, added in Chapter 28, First Called Session of the Thirty-sixth Legislature, referring to the inclusion of towns and municipal corporations in water improvement districts, and declaring an emergency."

Mr. Parish offered the following amendments to the amendment:

## 1.

Amend amendment to House bill No. 375, line 22, page 1, by adding after the word "Legislature" the following: "As amended by Chapter 11, Second Called Session Thirty-eighth Legislature."

## 2.

Amend amendment to House bill No. 375, line 17, page 4, by striking out the word "First," and insert in lieu thereof the word "Second."

## 3.

Amend amendment to House bill No. 375, line 4, page 6, by striking out the word "First" after figures "28," and insert in lieu thereof the word "Second."

The amendments were severally adopted.

The (committee) amendment as amended was then adopted.

House bill No. 375 was then passed to engrossment.

## SENATE BILL NO. 302 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading.

S. B. No. 302, A bill to be entitled "An Act reorganizing the State of Texas into Supreme Judicial Districts for the purpose of constituting and organizing Courts of Civil Appeals therein; creating the Twelfth Supreme Judicial District of Texas, with Greenville as the site of said court; providing for the appointment and qualification of the judges of said Twelfth Supreme Judicial District, and other officers thereof; providing for the transfer of cases and regulating appeals from the lower courts of the counties constituting said Twelfth Supreme District of Texas; providing appropriation for the maintenance of said court, and declaring an emergency."

The bill was read second time.

Mr. Frnka offered the following amendment to the bill:

Amend Senate bill No. 302 by striking out the word "Fayette" in paragraph 1 of Section 1 and insert the word "Fayette" in paragraph 3 after the word "Milam."

The amendment was adopted.

Mr. Shearer offered the following amendment to the bill:

Amend Senate bill No. 302 by striking out of Section 1, subdivision 1, all words beginning at the word "the" down to and including the word "law."

Signed—Shearer, Kenyon.

Mr. McDougald moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—45.

Acker.	Johnson.
Atkinson.	Jones.
Boggs.	Jordan.
Brown.	Kittrell.
Conway.	Lipscomb.
Coody.	McDougald.
Covey.	McFarlane.
Cox of Lamar.	McNatt.
Cox of Navarro.	Moore.
Cummings.	Petsch.
Dale.	Poage.
Davis of Wood.	Pool.
Donnell.	Raymer.
Enderby.	Rice.
Graves.	Rogers.
Hagaman.	Runge.
Hall.	Sheats.
High.	Simmons.
Irwin.	Smith of Nueces.

Stevens.	Westbrook.
Tomme.	Wilson.
Veatch.	Woodruff.
Wells.	

Nays—56.

Albritton.	Lane of Hamilton.
Baker of Orange.	Lane of Harrison.
Barker.	Loftin.
Bateman.	Low.
Bird.	Mankin.
Blount.	Masterson.
Bryant.	McGill.
Coffey.	Montgomery.
DeBerry.	Parish.
Downs.	Pearce.
Dunn of Falls.	Pope.
Dunn of Hopkins.	Powell.
Durham.	Rawlins.
Farrar.	Renfro.
Fields.	Robinson.
Finlay.	Rowell.
Florence.	Shearer.
Foster.	Sinks.
Frnka.	Stell.
Harper.	Storey.
Hollowell.	Stout.
Hoskins.	Strong.
Jacks.	Taylor.
Jasper.	Teer.
Justice.	Thompson.
Kayton.	Walker.
Kemble.	Wallace.
Kenyon.	Young.
Laird.	

Present—Not Voting.

Alexander	Hull.
of Limestone.	Pavlica.
Bedford.	Sparks.
Cade.	Webb.
Chitwood.	Williamson.
Dinkle.	

Absent.

Alexander	King.
of Bastrop.	Maxwell.
Amsler.	McDonald.
Avis.	McKean.
Baker of Panola.	Merritt.
Barron.	Morris.
Bartlett.	Nicholson.
Bean.	Perdue.
Bobbitt.	Purl.
Bonham.	Rowland.
Carter.	Sanford.
Daniels.	Simpson.
Davis of Dallas.	Smith of Travis.
Dielmann.	Smyth.
Dunlap.	Stevenson.
Faulk.	Wade.
Gray.	Wester.
Harman.	

Absent—Excused.

Kinnear.	Stautzenberger.
McBride.	

Question then recurring on the amendment by Mr. Shearer, it was adopted.

Mr. Kenyon moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

Mr. Justice offered the following amendment to the bill:

Amend Senate bill No. 302 by adding the word "Henderson" in line 4, paragraph 5, after the word "Collin" and further amend Senate bill No. 302 by striking out the word "Henderson" in line 4, paragraph 12.

The amendment was adopted.

Mr. Parish offered the following amendment to the bill:

Amend Senate bill No. 302 by adding the counties of "Runnels, Coke, Tom Green, Sterling, Irion, Schleicher and Crockett" to the named counties composing the Third Supreme Judicial District, and by striking the counties named above out of the list of counties composing the Eleventh Supreme Judicial District.

The amendment was adopted.

Mr. Loftin offered the following amendment to the bill:

Amend Senate bill No. 302 by striking out the enacting clause.

Mr. Covey offered the following amendment to the bill:

Amend Senate bill No. 302 by striking out Knox and Baylor counties of the proposed Eleventh Supreme Judicial District and placing them in the proposed Second Supreme Judicial District.

Mr. Harman moved the previous question on the pending amendments to the bill, and the main question was ordered.

Question first recurring on the amendment by Mr. Loftin, yeas and nays were demanded.

The amendment striking out the enacting clause was adopted by the following vote:

Yeas—60.

Acker.	Enderby.
Albritton.	Farrar.
Avis.	Fields.
Baker of Orange.	Finlay.
Baker of Panola.	Florence.
Barker.	Foster.
Bean.	Frnka.
Bedford.	Graves.
Bird.	Gray.
Cade.	Harman.
Coffey.	Harper.
Coody.	High.
Daniels.	Hollowell.
Davis of Dallas.	Hoskins.
Downs.	Johnson.
Dunn of Hopkins.	Justice.
Durham.	Kayton.

Laird.	Rowell.
Lane of Hamilton.	Runge.
Lane of Harrison.	Sinks.
Loftin.	Stevens.
Mankin.	Storey.
McFarlane.	Stout.
Parish.	Tomme.
Pavlica.	Veatch.
Pearce.	Walker.
Petsch.	Wallace.
Pool.	Westbrook.
Powell.	Williamson.
Rice.	Wilson.
Rogers.	

Nays—51.

Alexander	McDonald.
of Limestone.	McDougald.
Atkinson.	McGill.
Barron.	McKean.
Boggs.	McNatt.
Bryant.	Montgomery.
Chitwood.	Moore.
Conway.	Perdue.
Cox of Lamar.	Poage.
Cox of Navarro.	Pope.
Cummings.	Rawlins.
Davis of Wood.	Raymer.
DeBerry.	Sanford.
Dinkle.	Shearer.
Donnell.	Sheats.
Dunn of Falls.	Simmons.
Faulk.	Smith of Travis.
Hagaman.	Smyth.
Hall.	Sparks.
Irwin.	Stell.
Jacks.	Taylor.
Jones.	Thompson.
Jordan.	Wade.
Kemble.	Wells.
Kittrell.	Wester.
Lipscomb.	Woodruff.

Present—Not Voting.

Webb.

Absent.

Alexander	King.
of Bastrop.	Low.
Amsler.	Masterson.
Bartlett.	Maxwell.
Bateman.	Merritt.
Blount.	Morris.
Bobbitt.	Nicholson.
Bonham.	Purl.
Brown.	Renfro.
Carter.	Robinson.
Covey.	Rowland.
Dale.	Simpson.
Dielmann.	Smith of Nueces.
Dunlap.	Stevenson.
Hull.	Strong.
Jasper.	Teer.
Kenyon.	Young.

Absent—Excused.

Kinnear.	Stautzenberger.
McBride.	

Mr. Loftin moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

#### TO SUSPEND HOUSE RULE.

Mr. Petsch offered the following resolution:

Whereas, A number of members now have bills which they desire to get before the House for consideration; and Whereas, Under the rules, all bills which fail to be engrossed by 6 o'clock p. m. today are dead; therefore, be it

Resolved, That the rule under which such bills are controlled be suspended, and that the House extend the time for the consideration of bills on engrossment until 6:30 o'clock p. m. Tuesday, March 17, 1925.

The resolution was read second time.

Mr. Hall moved the previous question on the adoption of the resolution, and the main question was ordered.

Question recurring on the resolution, it was adopted.

Mr. Barker moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 594 ON SECOND READING.

Mr. Renfro moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 594 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—101.

Acker.	Conway.
Albritton.	Coody.
Alexander	Covey.
of Limestone.	Cox of Lamar.
Atkinson.	Cox of Navarro.
Avis.	Dale.
Baker of Orange.	Daniels.
Baker of Panola.	Davis of Wood.
Barker.	DeBerry.
Barron.	Dinkle.
Bean.	Donnell.
Bedford.	Downs.
Bird.	Dunn of Falls.
Bobbitt.	Dunn of Hopkins.
Boggs.	Durham.
Bonham.	Enderby.
Bryant.	Farrar.
Cade.	Faulk.
Chitwood.	Fields.
Coffey.	Finlay.



Florence.	Parish.
Graves.	Pavlica.
Gray.	Pearce.
Hagaman.	Poage.
Hall.	Pope.
Harman.	Powell.
Harper.	Rawlins.
High.	Rice.
Hollowell.	Rogers.
Hoskins.	Runge.
Hull.	Sanford.
Irwin.	Shearer.
Jacks.	Sheats.
Jasper.	Sinks.
Jones.	Smith of Travis.
Jordan.	Smyth.
Justice.	Sparks.
Kayton.	Stell.
Kenyon.	Stevens.
Kittrell.	Stevenson.
Laird.	Stout.
Lane of Harrison.	Teer.
Lipscomb.	Thompson.
Mankin.	Tomme.
Maxwell.	Walker.
McDougald.	Wallace.
McFarlane.	Webb.
McGill.	Wells.
McKean.	Westbrook.
McNatt.	Wester.
Montgomery.	Williamson.
Moore.	Woodruff.
Nicholson.	

Absent.

Alexander	Merritt.
of Bastrop.	Morris.
Amsler.	Perdue.
Bartlett.	Petsch.
Bateman.	Pool.
Blount.	Purl.
Brown.	Raymer.
Carter.	Renfro.
Cummings.	Robinson.
Davis of Dallas.	Rowell.
Dielmann.	Rowland.
Dunlap.	Simmons.
Foster.	Simpson.
Frnka.	Smith of Nueces.
Johnson.	Storey.
Kemble.	Strong.
King.	Taylor.
Lane of Hamilton.	Veatch.
Loftin.	Wade.
Low.	Wilson.
Masterson.	Young.
McDonald.	

Absent—Excused.

Kinnear.	Stautzenberger.
McBride.	

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 594, A bill to be entitled "An Act creating the Sipe Springs Independent School District."

The bill was read second time and was passed to engrossment.

### HOUSE BILL NO. 594 ON THIRD READING.

The Speaker then laid House bill No. 594 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—102.

Acker.	Justice.
Albritton.	Kittrell.
Alexander	Laird.
of Limestone.	Lane of Hamilton.
Atkinson.	Lane of Harrison.
Avis.	McFarlane.
Baker of Orange.	McGill.
Baker of Panola.	McKean.
Barron.	McNatt.
Bean.	Montgomery.
Bedford.	Moore.
Bird.	Nicholson.
Bobbitt.	Parish.
Boggs.	Pavlica.
Bryant.	Pearce.
Cade.	Poage.
Chitwood.	Pool.
Coffey.	Pope.
Conway.	Powell.
Coody.	Rawlins.
Covey.	Raymer.
Cox of Lamar.	Rice.
Cox of Navarro.	Robinson.
Dale.	Rogers.
Daniels.	Rowell.
Davis of Wood.	Runge.
DeBerry.	Sanford.
Dinkle.	Shearer.
Donnell.	Sheats.
Downs.	Simmons.
Dunn of Hopkins.	Sinks.
Durham.	Smyth.
Enderby.	Sparks.
Farrar.	Stell.
Faulk.	Stevens.
Fields.	Stevenson.
Finlay.	Stout.
Florence.	Strong.
Graves.	Taylor.
Gray.	Teer.
Hagaman.	Thompson.
Hall.	Tomme.
Harman.	Veatch.
High.	Walker.
Hollowell.	Wallace.
Hoskins.	Webb.
Hull.	Wells.
Jacks.	Wester.
Jasper.	Williamson.
Johnson.	Wilson.
Jones.	Woodruff.
Jordan.	Young.

Nays—2.

Harper.	Kemble.
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## Absent.

Alexander	Lipscomb.
of Bastrop.	Loftin.
Amsler.	Low.
Barker.	Mankin.
Bartlett.	Masterson.
Bateman.	Maxwell.
Blount.	McDonald.
Bonham.	McDougald.
Brown.	Merritt.
Carter.	Morris.
Cummings.	Perdue.
Davis of Dallas.	Petsch.
Dielmann.	Purl.
Dunlap.	Renfro.
Dunn of Falls.	Rowland.
Foster.	Simpson.
Frnka.	Smith of Nueces.
Irwin.	Smith of Travis.
Kayton.	Storey.
Kenyon.	Wade.
King.	Westbrook.

## Absent—Excused.

Kinnear.	Stautzenberger.
McBride.	

## BILLS ORDERED NOT PRINTED.

On motion of Mr. Gray, Senate bill No. 259 was ordered not printed.

On motion of Mr. McFarlane, Senate bill No. 364 was ordered not printed.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 16, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the report of Free Conference Committee on House bill No. 8.

The Senate has adopted the report of the second Free Conference Committee on Senate bill No. 3.

The Senate has adopted the report of Free Conference Committee on Senate bill No. 189 by a vote of 26 yeas.

The Senate has adopted the report of the Free Conference Committee on House bill No. 100 by a vote of 25 yeas, 2 nays.

Senate has passed

S. B. No. 470, A bill to be entitled "An Act providing for sale of land owned by the State of Texas located near El Paso, Texas."

S. B. No. 349, A bill to be entitled "An Act relating to the appropriation and use of water and providing that such water may be appropriated and used for purposes of public parks, game preserves, recreation and pleasure resorts, power and water supply for in-

dustrial purposes and domestic use; amending Section 16, Chapter 88, Acts of the Regular Session of the Thirty-fifth Legislature, providing for the filing of presentations relating to investigation of the use of water and the terms and conditions thereof, that priority of right dates from the filing of same, that such rights shall extend for a period of six months and may be extended by order of the Board of Water Engineers not to exceed a total period of three years, and the requisites, conditions and operation of same; providing that the fees paid upon the filing of a presentation may be held for the term thereof or during the period of any extension thereof and be handled according to law, and that all rights under a presentation shall cease at the end of the term thereof unless a permit is issued in pursuance thereof; amending Section 41, Chapter 88, Acts of the Regular Session of the Thirty-fifth Legislature; providing the fees to be paid to the State Board of Water Engineers for the use and benefit of the State in matters pertaining to the conduct of said office, the granting of permits, extensions of time and detailed operations of such law, and the maximum fee to be paid for the appropriation and use of water in accordance with the law; providing that anyone may construct on his own property a dam or reservoir to contain not to exceed fifty acre feet of water without securing a permit therefor; providing that anyone who shall fail to file annual reports as provided by Section 100, Chapter 88, Acts of the Regular Session of the Thirty-fifth Legislature, shall be liable to a penalty therefor not to exceed a maximum of \$150; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 456, A bill to be entitled "An Act authorizing the Governor of Texas to make sale and execute a deed, disposing of the south half of block 59, situated on East Fifth Street in the city of Austin, Travis county, Texas, at such price and on such terms as may meet the approval of the Governor, Commissioner of the General Land Office and Attorney General, and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

## RELATING TO HOUSE JOINT RESOLUTIONS.

Mr. Purl moved to reconsider the vote by which all House joint resolutions were postponed until 9 o'clock a. m. tomorrow.

The motion to reconsider prevailed.  
Mr. Purl then withdrew the motion to postpone.

SENATE JOINT RESOLUTION NO. 11  
ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. J. R. No. 11, Relating to the conservation of the timber resources of the State.

The resolution was read second time.

HOUSE BILL NO. 690 ON SECOND  
READING.

Mr. McDougald moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 690 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—103.

Acker.	Harman.
Albritton.	Harper.
Atkinson.	High.
Avis.	Hollowell.
Baker of Orange.	Hoskins.
Baker of Panola.	Hull.
Barker.	Jasper.
Barron.	Johnson.
Bean.	Jones.
Bedford.	Justice.
Bird.	Kayton.
Bobbitt.	Kemble.
Boggs.	Laird.
Cade.	Lane of Harrison.
Coffey.	Loftin.
Conway.	Low.
Coody.	Masterson.
Covey.	Maxwell.
Cox of Lamar.	McDonald.
Cox of Navarro.	McDougald.
Dale.	McFarlane.
Daniels.	McGill.
Davis of Wood.	McNatt.
DeBerry.	Montgomery.
Dinkle.	Moore.
Donnell.	Nicholson.
Downs.	Parish.
Dunn of Falls.	Pavlica.
Dunn of Hopkins.	Pearce.
Durham.	Perdue.
Enderby.	Petsch.
Farrar.	Poage.
Fields.	Pool.
Finlay.	Pope.
Florence.	Powell.
Foster.	Rawlins.
Graves.	Raymer.
Gray.	Robinson.
Hagaman.	Rogers.
Hall.	Rowell.

Runge.	Storey.
Sanford.	Stout.
Shearer.	Taylor.
Sheats.	Teer.
Simmons.	Thompson.
Sinks.	Tomme.
Smith of Nueces.	Walker.
Smith of Travis.	Webb.
Sparks.	Wells.
Stell.	Wester.
Stevens.	Williamson.
Stevenson.	Wilson.

Absent.

Alexander of Bastrop.	Kenyon.
Alexander of Limestone.	King.
Amsler.	Kittrell.
Bartlett.	Lane of Hamilton.
Bateman.	Lipscomb.
Blount.	Mankin.
Bonham.	McKean.
Brown.	Merritt.
Bryant.	Morris.
Carter.	Purl.
Chitwood.	Renfro.
Cummings.	Rice.
Davis of Dallas.	Rowland.
Dielmann.	Simpson.
Dunlap.	Smyth.
Faulk.	Strong.
Frnka.	Veatch.
Irwin.	Wade.
Jacks.	Wallace.
Jordan.	Westbrook.
	Woodruff.
	Young.

Absent—Excused.

Kinnear.	Stautzenberger.
McBride.	

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 690, Relating to the Ninth Supreme Judicial District.

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 690 ON THIRD  
READING.

The Speaker then laid House bill No. 690 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—103.

Acker.	Barker.
Albritton.	Bean.
Alexander of Limestone.	Bird.
Atkinson.	Bobbitt.
Avis.	Boggs.
Baker of Orange.	Brown.
Baker of Panola.	Cade.
	Coffey.

Conway.	McFarlane.
Coody.	McGill.
Covey.	McNatt.
Cox of Lamar.	Montgomery.
Cox of Navarro.	Moore.
Dale.	Nicholson.
Daniels.	Parish.
Davis of Wood.	Pavlica.
DeBerry.	Pearce.
Dinkle.	Perdue.
Donnell.	Petsch.
Downs.	Poage.
Dunn of Falls.	Pool.
Dunn of Hopkins.	Pope.
Enderby.	Powell.
Farrar.	Rawlins.
Faulk.	Raymer.
Fields.	Robinson.
Florence.	Rogers.
Foster.	Rowell.
Frnka.	Runge.
Graves.	Sanford.
Gray.	Shearer.
Hall.	Sheats.
Harman.	Simmons.
Harper.	Sinks.
High.	Smith of Nueces.
Hollowell.	Smyth.
Hoskins.	Sparks.
Hull.	Stell.
Jasper.	Stevenson.
Johnson.	Storey.
Jones.	Taylor.
Jordan.	Teer.
Justice.	Thompson.
Kayton.	Tomme.
Laird.	Wade.
Lane of Hamilton.	Walker.
Lane of Harrison.	Webb.
Loftin.	Wells.
Low.	Williamson.
Mankin.	Wilson.
Masterson.	Woodruff.
Maxwell.	Young.
McDougald.	

Nays—1.

Stout.

Present—Not Voting.

Finlay.

Absent.

Alexander	Durham.
of Bastrop.	Hagaman.
Amsler.	Irwin.
Barron.	Jacks.
Bartlett.	Kemble.
Bateman.	Kenyon.
Bedford.	King.
Blount.	Kittrell.
Bonham.	Lipscomb.
Bryant.	McDonald.
Carter.	McKean.
Chitwood.	Merritt.
Cummings.	Morris.
Davis of Dallas.	Purl.
Dielmann.	Renfro.
Dunlap.	Rice.

Rowland.	Veatch.
Simpson.	Wallace.
Smith of Travis.	Westbrook.
Stevens.	Wester.
Strong.	

Absent—Excused.

Kinnear.	Stautzenberger.
McBride.	

## SENATE BILL NO. 401 ON SECOND READING.

On motion of Mr. Hall, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading,

S. B. No. 401, A bill to be entitled "An Act conferring upon counties the right of eminent domain where land, right of way or easements are necessary to be secured for the construction of jails, courthouses, hospitals, delinquent and dependent schools, poor farms, libraries or for other public purposes, and providing for the institution of such proceedings in the name of the county, and that the assessing of damages shall be in conformity to the statutes of the State of Texas for condemning and acquiring right of way by railroads, and providing that no appeal shall cause suspension of work, and that counties shall not be required to give appeal bond or bonds for costs, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. McFarlane offered the following amendment to the bill:

Amend Senate bill No. 401 by striking out Section 2 and insert in lieu thereof the following:

Incorporated cities and towns of less than five thousand inhabitants shall have the power to appropriate private property for public purposes whenever the governing authorities shall deem it necessary and to take any private property within or without the city limits for any of the following purposes, to wit:

To have the power to appropriate private property for public purposes whenever the governing authorities shall deem it necessary and to take any private property within or without the city limits for any of the following purposes, to wit: city halls, police stations, jails, calaboose, fire stations, libraries, school houses, high school buildings, academies, hospitals, sanitariums, auditoriums, market houses, reformatories, abattoirs, railroad terminals, docks, wharves, warehouses, ferries, ferry landings, elevators, loading and unloading devices, shipping facilities, piers, streets, alleys, parks, highways, boulevards, speedways,

playgrounds, sewer systems, storm sewers, sewage disposal plants, drains, filtering beds and emptying grounds for sewer systems, reservoirs, watersheds, water supply sources, wells, water and electric light systems, gas plants, cemeteries, crematories, prison farms, and to acquire lands within and without the city for any other municipal purposes that may be deemed advisable. That the power herein granted for the purpose of acquiring private property shall include the power of the improvement and enlargement of the water works, including water supply, riparian rights, stand pipes, watersheds, the construction of supply reservoirs, parks, squares, and pleasure grounds, public wharves and landing places for steamers and other crafts, and for the purpose of straightening or improving the channel of any stream, branch or drain, or the straightening or widening or extension of any street, alley, avenue or boulevard. That, in all cases where the city seeks to exercise the power of eminent domain, it shall be controlled, as nearly as practicable, by the law governing the condemnation of property of railroad corporations in this State, the city taking the position of the railroad corporations in any such case; that the power of eminent domain hereby conferred shall include the right of the governing authorities, when so expressed, to take the fee in the lands so condemned and such power and authority shall include the right to condemn public property for such purposes.

Sec. 2. The fact that there are many counties, cities and towns in Texas which desire to condemn private property for public use as set out in Section 1 of this act, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended, and the same is suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was lost.

Senate bill No. 401 was then passed to third reading.

#### CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 8.

Mr. Shearer, chairman, submitted the following conference committee report on House bill No. 8:

Committee Room,  
Austin, Texas, March 14, 1925.

Hon. Barry Miller, President of the Senate, and Hon. Lee Satterwhite,

Speaker of the House of Representatives.

Sirs: We, your conference committee, to whom was referred

H. B. No. 8, A bill to be entitled "An Act amending Articles 3, 4, 7, 10, 13, 16, 35, 38, 41, 48, 55, 60, 61, 64 and amended by Chapter 44, General Laws of the First Called Session of the Thirty-sixth Legislature; and Articles 39 and 53 as amended by Chapter 139, General Laws of the Regular Session of the Thirty-eighth Legislature, changing certain penalties therein, making necessary changes and regulations, repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report that we have adjusted the differences between the House and the Senate on said bill and recommend the passage of the following substitute bill:

H. B. No. 8, A bill to be entitled "An Act amending Articles 3, 4, 7, 10, 13, 16, 35, 38, 41, 48, 55, 60, 61, 64 and 65, Chapter 73, of the General Laws of the First Called Session of the Thirty-sixth Legislature; Article 67, as amended by Chapter 4, General Laws of the Third Called Session of the Thirty-sixth Legislature; and Articles 39 and 53 as amended by Chapter 139, General Laws of the Regular Session of the Thirty-eighth Legislature; changing certain penalties therein, making necessary changes and regulations; changing certain coastal waters for seining; making it unlawful to buy, sell, possess or transport certain fresh water fish; regulating the placing of nets in the coastal waters of the State; providing for the marking of closed waters; regulating the size of fish to be taken; providing for the fish and oyster fund and appropriating same; prescribing penalties; repealing all laws in conflict herewith, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 3, 4, 7, 10, 13, 16, 35, 38, 41, 48, 55, 60, 61, 64 and 65, Chapter 73, of the General Laws of the First Called Session of the Thirty-sixth Legislature, Article 67, as amended by Chapter 44, General Laws of the Third Called Session of the Thirty-sixth Legislature, and Articles 39 and 53, as amended by Chapter 139, General Laws of the Regular Session of the Thirty-eighth Legislature, be amended so as to hereafter read, respectively, as follows:

Article 3. The Game, Fish and Oyster Commissioner shall have his office in the State Capitol in the city of Austin, Texas, during his term of office, which shall be two years, the first term to begin September 1, after this act goes into effect.

Article 4. The Game, Fish and Oyster Commissioner shall file with the Secretary of State a good and sufficient bond to be approved by that official in the sum of ten thousand (\$10,000) dollars, with a surety company, conditioned that he will faithfully perform the duties of this office, the premium on such bond to be paid from any available funds appropriated to the use of the Game, Fish and Oyster Commission. He shall take the oath prescribed for sheriffs, and when he shall file said bond and take said oath, he shall enter on the duties of his office. Said bond shall not be void on the first recovery, but may be sued on from time to time in the name of the State or any person injured, until the whole amount has been recovered.

Article 7. All fish and other aquatic animal life contained in the fresh water rivers, creeks and streams and in lakes or sloughs subject to the overflow from rivers or other streams within the borders of this State are hereby declared to be the property of the people of this State. All of the public rivers, bayous, lagoons, creeks, lakes, bays and inlets in this State, and all that part of the Gulf of Mexico within the jurisdiction of this State, together with their beds and bottoms, and all of the products thereof, shall continue and remain the property of the State of Texas, except in so far as the State shall permit the use of said waters and bottoms, or permit the taking of the products of such bottoms and waters, and in so far as this use shall relate to or affect the taking and conservation of fish, oysters, shrimp, crabs, clams, turtle, terrapin, mussels, lobsters, and all other kinds and forms of marine life, or relate to sand, gravel, marl, mudshell and all other kinds of shell, the Game, Fish and Oyster Commissioner shall have jurisdiction over and control of in accordance with and by the authority vested in him by the laws of this State.

Article 10. There shall be and is hereby levied a tax of not less than one-fifth of one cent per pound on all fish, crabs and shrimp, whether from private or public waters, taken and sold or offered for sale in this State, and not less

than two cents a barrel on all oysters, sold or offered for sale in this State whether from private or public beds, and offered for sale or shipment, and not less than one-half a cent per pound on all turtles, and not less than twenty-five cents on each terrapin offered for sale and shipment. Such tax shall be paid under such rules and regulations as the Game, Fish and Oyster Commissioner shall prescribe. For all purposes mentioned in this title or section, a barrel of oysters shall be deemed and taken to consist of three boxes of oysters in the shell, said boxes to be of the following dimensions: ten inches wide by twenty inches long, and thirteen and one-half inches in depth. In filling such boxes for measurement, such oysters shall not be placed or deposited in such box in a way that will make them fill the box more than two and one-half inches in the center above the height of the box. Provided that two gallons of shucked oysters without their shells shall be considered and deemed by this act as equal to one barrel of oysters in the shell. It is hereby specially provided that the title to the shells, from which oysters are taken shall remain in the State and the Game, Fish and Oyster Commissioner is directed to handle, control or sell same as he may see fit. Provided such oyster shells shall not be sold for a lower price than twenty-five cents the cubic yard. All moneys and royalties collected under and by the provisions of this article shall be deposited by the Game, Fish and Oyster Commissioner to the credit of the Fish and Oyster Fund, hereinafter provided for.

Article 13. Any person who shall not pay or who shall refuse to pay the tax imposed on the taking and sale of fish, oysters, turtle, terrapin and shrimp, as imposed in Article 10 of this act, or who shall not pay or shall refuse to pay the taxes established and fixed by the Game, Fish and Oyster Commissioner in Article 10 of this act shall be deemed guilty of a misdemeanor and on conviction shall be fined in a sum not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars, and if such person shall be a licensed fish dealer or fisherman or oysterman, his license as a fish dealer or fisherman shall be cancelled and not reissued for a period not to exceed three years.

Article 16. For the protection of the fish and oyster industry, any individual, firm or corporation engaged in, or who may engage in the business of a wholesale dealer in fish and oysters shall secure from the Game, Fish and Oyster

Commissioner, or one of his deputies, a license granting such individual, firm or corporation, permission to engage in said occupation for one year. For the purpose of obtaining this license, the applicant desiring same must make written application to the Game, Fish and Oyster Commissioner, or one of his deputies, in which he (the applicant) shall set forth under oath, if required, that he is a citizen of the United States by birth, or not being so, shall state that he has been granted full naturalization papers, and by what court and at what time they were granted. Where a corporation applying for permit to conduct a wholesale business in fish, oysters, and other marine products as mentioned contains foreigners, it shall conform to the foregoing provision as applied to individual applicants. He shall also agree that because of the privilege which he applied for from the State of Texas, that all products handled by him shall, at all times, be subject to the inspection of the Game, Fish and Oyster Commissioner, or any of his deputies; and in said application he shall authorize said Commissioner or any of his deputies to enter his place of business, or any place where he may have such products stored, and inspect same. He shall also agree to keep a correct record of all fish, oysters, shrimp and other taxed marine life handled by him under this law, in a book to be furnished by the Game, Fish and Oyster Commissioner; and further, that failure on his part to keep a correct record shall be grounds for the forfeiture of his license granted him under the application aforesaid. This application, having been duly executed and delivered to the Game, Fish and Oyster Commissioner, or any of his deputies, together with a fee of ten (\$10) dollars for same, it shall be the duty of the Game, Fish and Oyster Commissioner, or his deputy to issue to the applicant a license to engage in the business set forth in the application. Said license must be signed by the Game, Fish and Oyster Commissioner, or one of his deputies, stamped with the seal of his office, and state the name of the licensee, place of business and the kind of license applied for, and shall be good for twelve months following the date of issuance. For such license, the applicant shall pay one (\$1) dollar for each one thousand pounds of fish, shrimp and crabs handled by him, and a tax of one cent per barrel on oysters handled by him, which tax shall be paid monthly, the tax to be paid on the first of each month, which may be due upon said product handled during the preceding month, as shown by the record

books hereinbefore mentioned. And any person, firm, or corporation, or association of persons, or any officer, agent or employe of any company, corporation or association of persons who shall engage in the business of a wholesale dealer in fish and oysters or either, without procuring a license to follow said business, or without paying the tax and fee required by this article, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty (\$50) dollars, nor more than two hundred (\$200) dollars; and each day such business may be engaged in in violation of this article shall constitute a separate offense, and upon conviction of pursuing said occupation without payment of the tax and fee required by law, or for any other violation of the Game, Fish and Oyster law, the license of such dealer shall be forfeited. A wholesale dealer, in the meaning and definition of this act, is any person, corporation or firm or partnership engaged in the business of buying and selling or handling for shipment, fish, oysters, shrimp, turtle, terrapin, crabs, clams, lobsters or other commercial marine life, in quantities of ten pounds or more to any customer during the same day, or whose daily sales, or whose sales for any one day, amount to more than the aggregate of one hundred pounds of above mentioned marine products.

Article 35. The catching, taking or the attempt to catch or take any fish, green turtle or terrapin in any of the salt or fresh waters, lakes or streams in the State by poison, lime, dynamite, nitroglycerine, giant powder or other explosive, or by the use of drugs, substances, or things deleterious to fish life, is hereby prohibited, and any person offending against this article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five (\$25) dollars nor more than two hundred (\$200) dollars, and by confinement in the county jail not less than thirty nor more than ninety days.

Article 38. It shall be unlawful for any person to fail, or refuse, to scatter the culls of such oysters as he may take from the oyster reefs as directed by the Game, Fish and Oyster Commissioner, and it is hereby declared to be unlawful for any person to open or shuck oysters for market near or on the reefs or beds from which such oysters were taken, or to open or shuck oysters for market on board any fishing vessel or barge, except when such vessel or barge be in some port or place

where oysters are commonly sold. The shells from oysters opened or shucked on board any vessel or barge must be deposited on shore as directed by the Game, Fish and Oyster Commissioner. Any one violating any of the provisions of this article shall be fined in a sum not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars; and on such conviction the Game, Fish and Oyster Commissioner, in his discretion, may cancel the license of the captain of the boat on which such person is employed or for which he is gathering oysters, as well as cancel the license to fish and gather oysters of such persons offending, and no new license shall be issued to such captain or to such person convicted for a period not to exceed two years.

Article 39. It shall be unlawful for any person at any time to place, to set, or drag, any seine or net, or use any other device or method for taking fish other than the ordinary pole and line or castnet, or minnow seine of not more than twenty feet in length for catching bait within the waters of Agua Dulce Creek, Oso Creek, Shamrock Cove, Nueces Bay, Ingleside Cove, Red Fish Cove, Shoal Bay, Mud Flats, Shallow Bay, all of Aransas Bay between Port Aransas and Corpus Christi Bayou, and lying between Harbor Island and Mud Island, Copano Bay, Mission Bay in Refugio county, Puerto Bay, St. Charles Bay, Hynes Bay, Contee Lake, Powderhorn Lake, Oyster Lake, the waters of the Gulf Shore Line one-fourth mile from mean low tide from the south end of Padre Island to a point on Mustang Island two miles north of Corpus Christi Pass, Offats Bayou in Galveston county from its head to its mouth, Sabine Pass, leading from Sabine Lake to the Gulf of Mexico, San Luis Pass leading from Galveston West Bay to the Gulf of Mexico, Turtle Bay, Lost Lake and Old River Lake in Chambers county, as shown by the government charts, Brown's Cedar Pass, Mitchell's Cut, and Pass Cavallo, leading from Matagorda Bay to the Gulf of Mexico; and Cedar Bayou, leading from Mesquite Bay to the Gulf of Mexico; North Pass or St. Jo Pass and Aransas Pass, leading from Aransas Bay to the Gulf of Mexico; Corpus Christi Pass, leading from Corpus Christi Bay to the Gulf of Mexico, Brazos Santiago Pass, leading from the Lower Laguna Madre to the Gulf of Mexico and the pass on the north of Laguna Madre, leading into Corpus

Christi Bay, which pass shall be defined as beginning one-fourth of a mile southwest of Peat Island and running from said point to Flour Bluff, all of said waters being situated in Nueces county and all other passes connecting the bays and tidal waters of the State within the Gulf of Mexico, or within one mile of such passes, or within the waters of any pass, stream, or canal, leading from one body of Texas bay or coastal waters into another body of such waters; provided that nothing in this article shall prevent the use of spear or gig and light for the purpose of securing flounders from such passes, at any time of the year except the months of November and December, which months shall constitute a closed season on flounders in all coastal waters of the State, and it shall be unlawful to possess or to take any flounders from the tidal waters of this State during the months of November and December of any year. And the Game, Fish and Oyster Commissioner whenever he has reason to believe it is best for the protection and conservation and increase of fish life, or to prevent their destruction in the bays or parts thereof, or such tidal waters he is hereby authorized to close such waters against fishing with any seine, net, spear, gig, light or other devices, except with hook and line or cast-net or minnow seine of not more than twenty feet in length; but before closing of bays or parts thereof, or of other tidal waters, against such seining or netting or the using of gigs, spears, and lights, the Game, Fish and Oyster Commissioner shall give notice of a public hearing, and shall hold a public hearing in the port nearest the waters proposed to be closed and shall give notice of his intention to close such bays or parts thereof of such tidal waters at least two weeks prior to such closing, giving the reason why such action is deemed necessary, and which notice shall contain a designation of the area which it is proposed to close, a statement that after the date indicated in such notice it shall be unlawful to drag a seine or set a net or use a gig or spear and light in taking fish from such bays or parts of such tidal waters for the period of time which the Commissioner in said notice shall declare same to be closed; and such notice shall be posted in such fish houses as are in two towns nearest waters to be closed, and such notice shall contain the information as to where and when the public hearing is to be held; and provided further, that the Game, Fish and Oyster Commissioner



shall have the authority, when proper hearing has been had, and investigation been made, and he has determined that any such closed area in the tidal waters of this State does not promote conservation of fish, to open such areas to seining, netting, gigging and fishing of all sorts. For the purpose of locating all closed waters mentioned in this act, it shall be the duty of the Game, Fish and Oyster Commissioner to have erected suitable stakes, monuments or markers at points determined by him as being the outermost boundaries of such closed waters, such stakes or markers to bear the words "Warning—Closed Waters." Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and on first conviction, shall be fined not less than fifty (\$50) dollars nor more than two hundred (\$200) dollars, and shall have his license revoked for a period of time not exceeding two years; and on second conviction shall be confined in the county jail for not less than thirty nor more than ninety days, and shall have his license revoked for a period of not less than two years; provided further that the Game, Fish and Oyster Commissioner or his deputy shall have power to seize and keep such seines or other tackle in his possession as evidence until trial of defendant, and no suit shall be maintained against him therefor.

Article 41. Nothing in the foregoing articles shall apply to vessels engaged in carrying freight or passengers, and engaged as seagoing vessels in coast and foreign trade, and licensed and recognized as such by the Federal government; and provided further that the Game, Fish and Oyster Commissioner may grant permits to persons desiring to fish, to carry their boats, nets and seine, and vehicles into, over and on such passes or closed waters or on land to within the mile limits of such passes, and such permits shall state at what time such boats, vehicles, nets and seines shall be taken away from such mile limit and such passes.

Article 48. If any person shall refuse to pay any tax provided in this act, on any fish, oysters, shrimp, turtle, terrapin, clam, crabs, or other marine life, which he has sold, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than fifty (\$50) dollars nor more than two hundred (\$200) dollars.

Article 53. It shall be unlawful for any person to sell, or offer for sale, or to have in his possession, or to have on

board any boat or to have in any mercantile business establishment, or in any market where merchandise is disposed of, any redfish, or channel bass of greater length than thirty-two inches, or less than fourteen inches; any salt water or speckled sea trout of less length than twelve inches; any sheephead of less than nine inches in length; any flounder of less than twelve inches in length; any pompano of less than nine inches in length; any mackerel of less than fourteen inches in length, and any salt water gaff-topsail of less than eleven inches in length.

The place of sale or offering for sale or possession shall for the purpose of this act to establish venue, be either the place from which such fish are shipped, or where the fish are found, or offered for sale. It shall be unlawful in selling or offering for sale any fish mentioned in this article to sever the head from the body, except in case of the redfish and catfish, in which case the head shall only be severed through the gill-cavity and the gill-fins shall remain on the body of such redfish or catfish. Such headless body of a redfish shall not measure more than twenty-seven inches in length, and such headless body of a catfish shall not measure less than eight inches in length, and all fish marketed or sold as mentioned in this article, must be weighed and sold with the head attached, except redfish and catfish as mentioned herein.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than ten (\$10) dollars nor more than fifty (\$50) dollars.

Article 55. It shall be unlawful for any person to take or kill or have in his possession at any time before September 1, 1929, any sea turtle known as the green turtle, and it shall be unlawful to destroy or take the eggs of such turtle, and any person who shall take, kill, or have in his possession within such five years, or shall destroy or take the eggs of such turtle shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars.

Article 60. It shall be unlawful for any person to set or drag in any of the fresh waters of this State any net or seine made of wire or other metallic substance.

It shall be unlawful for any person

to take or catch or attempt to take or catch fish in the fresh waters, rivers, creeks, lakes, bayous, lagoons, or in lakes or sloughs, subject to overflow from rivers or streams in this State, by any other means other than by the ordinary hook and line or trotline, or by a set or dragnet or seine or trammel net, the meshes of which are three or more inches square, or by a minnow seine not more than twenty feet in length, and it shall be unlawful for any person to place in the fresh water rivers, lakes, creeks, bayous, lagoons, of this State any net or other device or trap for taking or catching fish other than as designated and permitted by this article.

Any person violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars.

Any fish trap, net or seine or other fishing device found in the waters of this State, in violation of this article, are hereby declared to be nuisances, and it shall be the duty of the Game, Fish and Oyster Commissioner and his deputies to destroy same wherever found, and no suit shall be maintained against them therefor.

Provided, that the Game, Fish and Oyster Commissioner is authorized to close any of the water mentioned in this section against the use of nets or seines or any particular kind of such nets and seines, whenever he thinks that such closing is necessary or best to protect and preserve the fish in such waters. But before closing such waters against the use of seines or nets or any particular kind of seine or net, he shall give notice by posting his intentions for two weeks at not less than three stores or other places in proximity to such waters.

Any person who shall fish with a net or seine in such closed waters or shall use such particular kind of net or seine, as forbidden in such waters, after the notice given as above required, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum of not less than twenty-five (\$25) dollars and no more than one hundred (\$100) dollars.

Article 61. For the purpose of establishing the dividing line between the salt and fresh waters of this State, in so far as it pertains to the fishing laws, all fresh water rivers and streams in this State, and all lakes, lagoons and

bodies of rivers, except tidal bays or coastal waters, such as bays and gulfs, shall be and are hereby declared to be fresh water streams and rivers to their mouths, and it shall be unlawful to set nets or drag seines or fish in other ways in such streams, rivers and their connecting lakes, lagoons and bodies of water mentioned, except in conformity with the laws enacted to govern, apply and control in fresh water fishing.

Article 64. It shall be unlawful for any person to catch any fish in the fresh waters of this State with any seine or net other than minnow seine, not exceeding twenty feet in length, or to drag any seine, except such specified minnow seine, or to set any net, in the fresh waters of this State during the months of March and April, or to fish with any artificial bait of any kind in the fresh waters of this State during the months of March and April. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and shall be upon conviction fined a sum of not less than twenty (\$20) dollars nor more than one hundred (\$100) dollars.

Provided this article shall not apply to any artificial lake, pond or pool, owned by any person, firm, corporation, city or town, that does not have as its source of water supply a river or creek or is not subject to overflow from a river or creek.

Article 65. Any person who shall take or catch or have in possession any bass or crappie from the fresh waters of this State during the months of March and April of any year; or shall take, catch or have in possession any bass of less length than eleven inches, or any white perch or crappie of less length than seven inches, shall be deemed guilty of a misdemeanor, and on conviction shall be fined a sum not less than ten (\$10) dollars nor more than one hundred (\$100) dollars.

Article 67. The Chief Deputy Game, Fish and Oyster Commissioner and all other deputy fish and oyster commissioners and employees of the Game, Fish and Oyster Commission, except special game deputies, deputies employed at fresh water fish hatcheries and sand, shell and gravel deputy, shall be paid their salaries and expenses monthly upon approval of the Game, Fish and Oyster Commissioner out of the fish and oyster fund, the Comptroller drawing his warrant in favor of each of said persons on the fish and oyster and fund appropriated for said purposes, as follows: Chief Deputy Game, Fish and Oyster

Commissioner, twenty-five hundred dollars per annum; deputies on boats, not to exceed one hundred twenty-five dollars per month; mates on boats, eighty dollars per month; shore deputies, not to exceed one hundred twenty-five dollars per month; lake deputies, not to exceed one hundred twenty-five dollars per month; assistant lake deputies, not to exceed seventy-five dollars per month; supervisor of coastal fisheries, not to exceed one hundred fifty dollars per month. It shall be the duty of the Game, Fish and Oyster Commissioner to collect all taxes, licenses and fines as imposed by law, and enforce their payment, to inspect all products so taxed, and to verify the weights and measures thereof, to collect license fees, to collect all rents on locations for planting oysters, to examine or have examined all streams, lakes or ponds, when requested to do so, for the purpose of stocking such waters with fish best suited to such locations and he shall superintend and have control in the propagation of fish in the State fish hatcheries, and the distribution of such fish, and he shall have superintendence and control of the propagation and distribution of birds and game in the State reservations over which he may have control or which may be established for such propagation. He shall also be allowed a sum not to exceed fifteen hundred dollars per annum for traveling and other expense to be paid on vouchers showing that such amounts have actually been expended in the performance of his duties of said office, and he shall be allowed all stationery, books, blanks, tags, State laws and charts necessary to the execution of the duties of his office.

Sec. 2. All funds collected by the Game, Fish and Oyster Commission from the sale of commercial fishermen's licenses, fish dealer's licenses, taxes on fish, crabs, oyster and shrimp, and all other taxed marine life, and all fines and penalties collected for all infraction of all laws relating to commercial fishermen, shall be placed in the State Treasury to the credit of a fund to be known as "Fish and Oyster Fund," and together with the money now to the credit of this fund, is hereby appropriated and shall be used by the Game, Fish and Oyster Commissioner in the enforcement of the fish and oyster laws of this State, and dissemination of useful information pertaining to the economic value of fish and oyster marine life; the making of scientific investigations and surveys of the principal sea food fishes and marine life, for purpose of the better protection and conservation of same;

the propagation and distribution of sea food fishes, oysters and other marine life; the purchase, repair and operation of boats and the employment of deputies to carry out and enforce the provisions of this act.

Sec. 3. It shall be unlawful for any person, firm or corporation to erect, set, operate or maintain any fish pound net in any waters of the Gulf of Mexico within three nautical miles from the coast line of this State, without first obtaining a permit for such purpose. Application for such permit shall be made to the Game, Fish and Oyster Commissioner. Said Commissioner shall issue to the person, firm or corporation applying therefor, if entitled thereto under the provisions of this act, a permit duly signed, to erect, set, operate, or maintain a fish pound net in the waters above specified. No person, firm or corporation shall set, erect, operate or maintain any pound net at any place closer than three miles of any other pound net owned or operated by any other persons, firm or corporation; provided further, that no pound net shall ever be placed or operated closer than three miles of any pass mentioned in this act. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than fifty (\$50) dollars nor more than two hundred (\$200) dollars.

Sec. 4. It shall be unlawful for any person, firm or corporation, or their agents, to buy or sell, or offer for sale, or offer to buy, or have in his or their possession for sale, or to carry, transport or ship for the purpose of sale, barter or exchange, any fresh water crappie or bass within the State of Texas.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine in any sum not exceeding one hundred dollars, and each sale or shipment or act in violation hereof shall constitute a separate offense.

Sec. 5. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 6. The fact that there are now no efficient laws for the preservation, propagation and protection of the fish and other aquatic animal life of the State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days in each house

should be suspended, and that this act take effect from and after its passage, and it is so enacted.

Respectfully submitted,

SHEARER,

WELLS,

SMITH of Nueces.

On the part of the House.

WOOD,

REID,

BERKELEY,

TRIPLETT,

On the part of the Senate.

ADJOURNMENT.

Mr. Williamson moved that the House adjourn until 9 o'clock a. m. tomorrow.

Mr. Barker moved that the House recess to 7:30 o'clock p. m. today.

The motion of Mr. Williamson prevailed, and the House, accordingly, at 5:25 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

#### APPENDIX.

#### REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, March 14, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 16, A bill to be entitled "An Act to amend Section 1 of Chapter 5 of the General Laws of the First Called Session of the Thirty-third Legislature, relating to indeterminate sentences, the purpose of this amendment being to provide for the discharge of certain convicts under indeterminate sentences upon certain conditions, and providing that this act shall apply to convicts now serving indeterminate sentences in the penitentiary as well as to those who shall hereafter be sentenced to indeterminate terms of imprisonment in the penitentiary,"

And find the same correctly engrossed.  
ROWELL, Chairman.

Committee Room,

Austin, Texas, March 13, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 679, A bill to be entitled "An Act to amend Chapter 76 of the General Laws of the Regular Session of the Thirty-eighth Legislature, so as to continue the duration and existence of the district court of Stephens county, Ninety-second Judicial District, until April 15, 1925, and providing that as to said district court of Stephens county said Chapter 76 shall continue in force and effect until said time, and declaring an emergency,"

And find the same correctly engrossed.  
COVEY, Vice-Chairman.

Committee Room,

Austin, Texas, March 16, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 646, A bill to be entitled "An Act to amend Section 1 of Chapter 9, Special Laws of the Thirty-sixth Legislature, Third Called Session, the same being entitled 'An Act extending the boundaries of and adding territory to the Lamesa Independent School District in Dawson county,'"

And find the same correctly engrossed.  
ROWELL, Chairman.

Committee Room,

Austin, Texas, March 16, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 656, A bill to be entitled "An Act to create the Bodenhammer Common School District in McCulloch county, Texas, including therein the present Bodenhammer Common School District No. 40 in McCulloch county,"

And find the same correctly engrossed.  
ROWELL, Chairman.

Committee Room,

Austin, Texas, March 16, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 654, A bill to be entitled "An Act to amend Section four (4) of the Thirty-fifth Legislature of Texas, passed at the Regular Session thereof (as found on pages 174 and 175 of the Local and Special Laws and approved March 6, 1917), being 'An Act to amend

the charter of the city of Gainesville,' by creating a board of water commissioners for said city, to be appointed by said city council, and prescribing the powers and duties of such board; relating to the control and disposition of funds derived from the sale of water, and repealing all laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.  
ROWELL, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 192, A bill to be entitled "An Act to amend Article 1521, Revised Civil Statutes of the State of Texas, regulating the jurisdiction of the Supreme Court by striking out subdivision 6 of said article as it now exists and in other respects by specifically naming the cases in which the Supreme Court is given jurisdiction to grant writs of error, and declaring an emergency,"

And find the same correctly engrossed.  
ROWELL, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 677, A bill to be entitled "An Act to create Henderson Independent School District in Concho county, Texas," etc.,

And find the same correctly engrossed.  
ROWELL, Chairman.

Committee Room,  
Austin, Texas, March 16, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 678, A bill to be entitled "An Act to amend Chapter 8, Special Laws of the Thirty-sixth Legislature, Third Called Session, so as to increase the limits of the Paint Rock Independent School District," etc.,

And find the same correctly engrossed.  
ROWELL, Chairman.

## REPORTS OF COMMITTEE ON ENROLLED BILLS.

Committee Room,  
Austin, Texas, March 14, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 577, "An Act to amend Section 11, Chapter 16 of the Local and Special Laws enacted by the First Called Session of the Thirty-seventh Legislature in 1921, same being a special road law for Liberty county, by adding thereto Section 11a, to permit the issuance of bonds by Liberty county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room,  
Austin, Texas, March 14, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 583, "An Act creating the Ratcliff Independent School District,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room,  
Austin, Texas, March 14, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 554, "An Act creating Plemons Independent School District in Hutchinson county, Texas,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room,  
Austin, Texas, March 14, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 546, "An Act to amend Section 2 of Chapter 2, Local and Special Laws passed by the Thirty-third Legislature at its Regular Session, same being a special road law for Shelby county, Texas, by adding thereto Sections 2a and 2b, to permit the issuance of bonds by said county for the purpose of funding

or refunding indebtedness incurred for road and bridge purposes; and to prohibit hereafter the issuance by the commissioners court of said county of county warrants against the road and bridge fund payable out of the revenue of future years, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room,  
Austin, Texas, March 14, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 556, "An Act creating the Orange Independent School District in the county of Orange, State of Texas,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room,  
Austin, Texas, March 14, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 571, "An Act to amend Section 14, Chapter 67, Local Laws enacted by the Thirty-third Legislature, for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room,  
Austin, Texas, March 14, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 282, "An Act creating the office of county weigher in all counties in Texas having a population of not less than 55,700 and not more than 55,800, according to the United States Census of 1920; and prescribing the qualification for such office and the powers and duties thereof,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room,  
Austin, Texas, March 14, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 510, "An Act to incorporate Bradshaw Independent School District in Taylor and Runnels counties, Texas, as an independent school district and to provide for the election of trustees, raising of revenue by taxation, issuing of bonds for the erection of school buildings within said district, to define the boundaries of said district and conferring upon the board of trustees plenary powers to levy and collect a tax to retire bonds and to pay current expenses for the maintenance of said schools; providing for a board of equalization, prescribing the duties and authorities of said board, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room,  
Austin, Texas, March 14, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 576, "An Act to amend Article 7235 of the Revised Civil Statutes of 1911, as amended from time to time, and as amended by Chapter 97 of the General Laws of the Regular Session of the Thirty-eighth Legislature, so as to include San Augustine and Sabine counties within the provisions of said article, which relates to stock law elections, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room,  
Austin, Texas, March 13, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 52, "An Act to amend Article 788 of the Code of Criminal Procedure, by amending subdivision 3 thereof, so that certain persons convicted of felony may testify, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room,  
Austin, Texas, March 13, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 320, "An Act to amend Article 6901a of Chapter 1, Title 119, of the Revised Statutes of Texas of 1911, as enacted by Chapter 29 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and as amended by Chapter 98 of the General Laws, Regular Session of the Thirty-sixth Legislature, and as amended by Chapter 184 of the General Laws, Regular Session of the Thirty-eighth Legis-

lature, being an act to change the designated year upon which is based the assessed valuations of taxable properties affected by the act to be amended, and relating to the compensation of county commissioners; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

In Memory  
of  
Hon. Sam Dreben

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Mr. Purl offered the following resolution:

Whereas, The sad news of the death of Sam Dreben (The Fighting Jew), has been received by members of this House; and

Whereas, Sam Dreben was an outstanding soldier in the Spanish-American War, the Pershing Expedition to Mexico and the World War, and was decorated for his valor and bravery by many foreign governments as well as his adopted land, United States of America; and

Whereas, He enlisted in the service of the United States from Texas and the honors he received reflected glory and credit to the citizenship of Texas as well as to himself and his loved ones; and

Whereas, He has always championed the cause of the oppressed and afflicted, both in time of peace and in time of war; therefore, be it

Resolved by the House of Representatives of the Thirty-ninth Legislature, That we hereby express our heartfelt sympathy to his loved ones and that we request the Custodian of the Capitol Building to lower the Texas flag to half mast in memory of this gallant soldier and that when the House adjourns this afternoon that it be in memory of Sam Dreben and that a page be set aside in the House Journal for this resolution.

PURL,  
McGILL,  
RAWLINS,  
BAKER of Orange,  
POOL,  
WADE.

The resolution was read second time and was adopted.